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THE ECONOMIC HISTORY OF ROSSENDALE

BY
G. H. TUPLING, M.A., B.Sc., PH.D.

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PREFACE.

THE present volume has grown out of a suggestion made by the late Professor Unwin that I should attempt an examination of the effect of the Industrial Revolution on Haslingden. My search for material had not proceeded far before it became clear that it would be necessary to extend the area of the investigation so as to include the Rossendale valley. By the end of a year the first draft was written of a chapter intended to describe the transition from a domestic woollen to a factory cotton industry, and the rise of the small manufacturing towns of Haslingden, Rawtenstall, Newchurch and Bacup. As, however, the earlier manufacture appeared to be intimately bound up with a smallholder pastoral economy, my curiosity was aroused to learn how the combination had come about, and how what had at one time been an expanse of uncultivated moorland had come to be settled by a community of small farmers. So my researches were naturally pushed back to a time long antecedent to the Industrial Revolution, and an attempt to trace the economic activities of the Rossendale area from their beginning was the result.

In October, 1924, the fruits of my labours were submitted for the Ph.D. degree of the London University. The thesis presented was concerned principally with the earlier stages of the history of Rossendale, including the Forest period of the thirteenth, fourteenth and fifteenth centuries, and the disafforestation and consequent expansion in the sixteenth and early seventeenth centuries; but the previously written chapter on the growth of the textile industries between 1700 and 1840 was appended as a supplementary study. Since then the whole work has been revised, and in the light of new material collected at the Public Record Office and from other sources, chiefly relating to the seventeenth century, the final portion has been rewritten

and expanded in two chapters designed to show the continuity of economic development in the Rossendale area down to the middle of the nineteenth century.

The writer who confines his task to one particular aspect of the history of a prescribed locality is faced with certain limitations, to which the historian who selects a region of greater extent and a theme of more comprehensive character is less subject. In the first place, he is fortunate if he finds his materials uniformly distributed over successive periods of time ; and even if they are, it is seldom that periods of equal duration are of equal significance in the story he attempts to unfold. Moreover, in its relation to the wider field of national history, it usually happens that the locality has more to teach at one stage of its evolution than at another. For these reasons, the local historian has greater difficulty in maintaining chronological symmetry in the treatment of his subject than the national historian. In the present instance, the data available for the sixteenth and early seventeenth centuries proved to be more abundant than for either the earlier or the later centuries; but, by what may be regarded as a fortunate coincidence, this middle period is not only of peculiar importance in the history of Rossendale, but offers perhaps more valuable contributions than any other, by way of illustration and contrast, to the record of national development. As, therefore, it is hoped that the following pages may contain matter of interest to the student of economic history in general, as well as to those who are curious to know something of the past of the district in which they live, I have not thought it advisable to abridge for publication the account of the most formative and instructive period of Rossendale history.

It is impossible for me to acknowledge my obligations to all who have assisted and encouraged me in my studies. My chief debt is owing to the late Professor George Unwin, whose inspiring friendship and guidance I was privileged to enjoy for many years. It was he who taught me to appreciate the value of local research ; I would that this 'prentice effort in that direction were more worthy of his instruction. To Professor Tait I am grateful for valuable help in the revision of the thesis, and for the care with which he has corrected the proofs. He has also given me the benefit of his experience throughout the tedious task of preparing the book for publication. To Mr. R. H. Tawney, who has read the proofs, I am indebted for a number of suggestions,

and not less for the stimulus afforded by his writings. For helpful criticism of the manuscript, my thanks are due to Professors J. H. Clapham and J. F. Rees, and to Mr. A. P. Wadsworth of Manchester. Nor must I neglect to acknowledge the help received from many friends in Rossendale, and especially from Mr. Thomas Woodcock of Haslingden, whose technical knowledge and experience of the local copyhold system has saved me from many blunders in the interpretation of relevant records; from Major D. Halstead, now of Macclesfield, Alfred Smethurst, Esq., J.P., and the late Mr. Henry Stephenson of Haslingden, and Mr. P. Stephens of Rawtenstall, whose acquaintance with the history and industrial conditions of the district has solved for me many difficulties. Mr. F. D. Robinson, the Steward of the Honor of Clitheroe, kindly gave me facilities for consulting the court rolls at Clitheroe Castle. Lastly, I wish to express my gratitude to Mr. H. M. McKechnie, the Secretary of the Manchester University Press, for his assistance while the book was going through the press, and to my wife for services which have meant a great saving of my time and energy.

G. H. TUPLING.

HASLINGDEN, *March*, 1927.

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CHAPTER I. THE MEDIÆVAL FOREST OF ROSSENDALE 1–41

(1) *The Earliest Settlements in Rossendale.* 1–6

The Rossendale area, which includes the district now covered by the boroughs of Haslingden, Rawtenstall and Bacup, is a region of comparatively late development, though the vill or "manor" of Haslingden was possibly in existence in Saxon times (pp. 1–4). In the Forest proper, economic activity began in the thirteenth century (pp. 4–6).

(2) *The Forest of Rossendale.* 6–35

(a) *The Officers of the Forest.*—As part of the Forest of Blackburnshire, Rossendale was reserved as a hunting ground of the lords of Clitheroe, subject to the control of the Master Forester and his assistants, the foresters and moor-drivers; but the revenue from herbage and pannage and the allocation of pastures are evidence of the beginnings of a pastoral economy (pp. 6–13). The foresters' claim to puture was a source of irritation to the tenants until it was commuted to a money payment (pp. 13–15).

(b) *Musbury Park.*—By the fourteenth century settlement in the Forest had so far advanced as to make necessary the enclosure of a park for the better preservation of the deer, under a separate official (pp. 15–16).

(c) *The Vaccaries of the Forest.*—The economic development of Blackburnshire Forest received a powerful stimulus under the management of Henry de Lacy, the third Earl of Lincoln, at the end of the thirteenth century. The Rossendale area with its fifteen vaccaries played an important part in his extensive cattle-rearing enterprise (pp. 17–22). The individual farms were managed by cowkeepers on a kind of stock and land lease system, while the whole organisation of the industry was controlled by a superior official called the Chief Instaurator; but the productivity of the farms was limited by the ignorance and unscientific methods of the keepers (pp. 22–27).

(d) *Mining and Smelting in the Forest.*—Meanwhile iron and lead were mined and smelted and stone was quarried in the Forest area, though these industries were probably not continuous (pp. 27–31).

(e) *The Transition from a Forest Organisation to a Rent-paying Estate.*—During the fourteenth century the lords of Clitheroe abandoned cattle-rearing and let the vaccaries to farm. The herbage of Musbury Park and of both old and new pastures was also leased out, while small parcels of the waste were continuously being granted to rent-paying tenants (pp. 31–35).

(3) *The Vills of Haslingden and Accrington.* 35–41

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These enclosures were mostly in or near Haslingden and the neighbouring vill of Accrington, which possibly dates back to pre-Conquest days. In 1311 both vills had a small number of villeins, and Haslingden had three "free tenants," but the growth of these townships during the fourteenth and fifteenth centuries was mainly due to occupation by tenants at will (pp. 35-38). While arable cultivation must have been carried on to some extent, the holdings of all classes of tenants were chiefly devoted to pastoral farming (pp. 38-40).

CHAPTER II. THE ENCLOSURES OF THE SIXTEENTH AND EARLY SEVENTEENTH CENTURIES 42–69

Rossendale was definitively disafforested in 1507 by Henry VII, the then lord of Clitheroe, who granted the Forest settlements and pasture lands as copyhold tenements (pp. 42–44). The disafforestation encouraged enclosure, which was accelerated after c. 1540 (pp. 44–47). But the local enclosures are to be distinguished from those by the great landlords of the arable counties of the midlands and the east (pp. 47-49).

I. Lands held in common were divided among the tenants (*a*) by legal proceedings in the manorial court, or (*b*) by commissioners in response to petitions by the tenants to the superior court of the Duchy of Lancaster (pp. 49–54).

II. Portions of the waste were granted to individuals by the manorial court with the consent of the tenants (pp. 54–55).

III. The whole or parts of common pastures were voluntarily surrendered by the participants (pp. 55-56).

IV. Tenants or landless settlers who illegally encroached on the waste or common land were (i) "presented" in the local court, or (ii) prosecuted by the Duchy Court, or (iii) their encroachments were discovered by commissions of inquiry appointed by the Duchy Court; but these proceedings were not instituted with the object of preventing enclosure, so much as to prevent the land passing out of the lord's possession (pp. 57–68).

V. A few small portions of the waste were granted to a tenant by letters patent (p. 68).

CHAPTER III. THE TRAFFIC IN LAND AND THE SUBDIVISION OF HOLDINGS IN THE SIXTEENTH CENTURY 70-97

Practically all the enclosures of the sixteenth and seventeenth centuries were granted as copyholds, and by this time the older tenements, whether of "free tenants," villeins or tenants at will, had come to be held by custom (pp. 70–75). But the copyholds were practically as negotiable as freeholds, and changes of ownership were frequent. These resulted in a progressive subdivision of holdings (pp. 75–76).

Parents frequently divided their estates among their children, contrary to the custom of primogeniture (pp. 76–79), while coparceners sometimes divided their joint inheritance (pp. 79–80). Many tenants disposed of their property in two or more equal portions, or parted with fractions of their holdings, to non-relatives (pp. 80–84). Others sublet parts of their land, either on yearly tenancies or for terms of years, and among the leases those for long periods proved to be the most popular (pp. 84–90).

Sales of land were not frequent until the second half of the century. The purchasers were often sub-tenants, though a certain amount of speculation in

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land is evidenced. The need for ready money and the departure of landholders from the district were among the reasons which brought land into the market (pp. 90–95).

The general effect of the traffic in land was to multiply holdings, examples of accumulation of property being remarkably rare (pp. 95–97).

CHAPTER IV. THE REGULATION OF THE COMMON LANDS 98–126

Special importance attaches to the rights of common enjoyed by the tenants of Rossendale (pp. 98–99).

The vills of Haslingden and Accrington possessed no open arable fields in the sixteenth century. The nearest approach in our district to such commonable lands was to be found in the hamlets which had grown out of the vaccaries of the Forest, but the "mean" lands of these were regulated in a different manner from the usual open field system. The same hamlets mostly had common meadows, but the tenants of Haslingden and Accrington set aside portions of the waste for haymaking (pp. 99–105).

More important were the rights of pasture enjoyed by tenants both of the vills and of the Forest settlements on the waste, which was very extensive. The rule of levancy and couchancy applied to the former, but the number of beasts which the latter might put on the waste was limited by the rents which they paid for the use of it (pp. 105–115). The common lands also provided turf for the tenants (pp. 115–117).

Frequent disputes arose out of the communal use of the land, especially as to rights of way and as to the bounds of the different parts of the waste claimed by different groups of the inhabitants (pp. 117–123). Litigation concerning the boundary between the commons of Bacup and Cliviger was protracted for over thirty years (pp. 123–125).

CHAPTER V. THE COPYHOLD DISPUTE AND THE DIVISION OF THE COMMONS 127–160

I. In the seventeenth century the Crown disputed the validity of the copyholds which had been created out of the Forest lands. The motive was a financial one, and the attack on the local tenures was only one of the many expedients adopted by James I for raising money (pp. 127–129): (i) Crown lands were sold or leased (pp. 129–131); attempts were made (ii) to convert military tenures to free socage, and (iii) to induce the king's customary tenants to enfranchise their lands, or (iv) to compound for the conversion of their fines from uncertain to certain (pp. 131–136); and (v) a vigorous and successful campaign was conducted against all holders of royal lands whose titles might be questioned (pp. 137–141). Tenants of ancient customary lands, unless their estates were heritable and their fines certain, were in a precarious condition, as the disputes in North Wales and on the Scottish Border testified (pp. 141–145).

II. The case of the Clitheroe copyholds illustrates the danger attaching to customary tenures of recent origin, and the tenants of the vaccarial lands were compelled to pay a composition of twelve years' rent to have their copyholds established by Act of Parliament (pp. 145–150). Subsequently, the copyholders of the vills were induced to compound at forty years' purchase not only for their enclosures from the waste, but also for the certainty of their fines, which the Crown now disputed; but it was a part of the bargain that they should be permitted to enclose and divide their commons (pp. 150–155). These were mostly partitioned before 1630, though the composition money was not completely discharged until the time of the Commonwealth (pp. 155–159).

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CHAPTER VI. THE DOMESTIC WOOLLEN INDUSTRY OF THE SEVENTEENTH AND EIGHTEENTH CENTURIES 161–191

(1) *The Genesis of the Textile Manufacture.* 161–168

The subdivision of holdings, which continued during the seventeenth century, must have made more difficult the task of the holders in finding adequate subsistence upon them, especially as the locality was unsuitable for arable cultivation (pp. 161–165), had not agrarian pursuits been combined with a domestic manufacture (pp. 165–167).

(2) *Methods and Organisation in the Seventeenth Century.* 168–177

In the seventeenth century many households were maintaining themselves principally by making coarse cloths, such as kerseys, bays, and friezes, which were fulled and finished at Rochdale (pp. 168–170). The Rossendale clothiers were as yet men of humble means, often dependent on Rochdale chapmen for their raw material and the disposal of their fabrics (pp. 171–173); and their method of conducting business on credit sometimes involved them in financial difficulties, but probably on the whole they were a prosperous class (pp. 170–176). While Rochdale was their chief marketing centre, markets and fairs were also held in Haslingden from the sixteenth century (pp. 176–177).

(3) *Organisation in the Eighteenth Century.* 177–191

In the early eighteenth century probably about half the productive energy of the inhabitants was expended in clothmaking, the combination of farming and manufacture persisting among all classes of the inhabitants (pp. 177–180). The expansion of the industry was accompanied by a greater specialisation of functions, an increase in the variety of products, and improvements in the domestic loom (pp. 180–182). Fulling mills were started, and a worsted industry was established (pp.182–185). The local organisation became more complete and the dependence upon Rochdale less marked, local clothiers now superintending all the processes of manufacture (pp. 185–188). In the middle of the century a new class of cottage-weavers in the "towns" of Haslingden and Newchurch emerged (pp. 189–190). Marketing, however, was still mainly centred at Rochdale (pp. 190–191).

CHAPTER VII. THE INTRODUCTION OF MACHINERY AND THE RISE OF THE COTTON MANUFACTURE 192–229

At the end of the eighteenth century the cotton manufacture began to enter into rivalry with the woollen (pp. 192–193).

(1) *The New Spinning Machinery.* 193–195

This was largely due to the invention of machinery which enabled cotton yarn suitable for warp as well as for weft to be produced cheaply and rapidly.

(2) *The Beginnings of Factory Production in the Woollen Industry.* 195–202

The new machinery was found to be less satisfactory for wool than for cotton, and the only branches of the local woollen manufacture to be taken over from hand labour before the 'thirties of last century were carding and the spinning of worsted yarn (pp. 195–199). Yet the production of woollen cloth increased considerably, a number of manufacturers developing a direct and extensive foreign trade (pp. 199–200). Proprietors of carding and fulling mills employed domestic workers for the intermediate processes of spinning and weaving, which, while still providing part-time occupation for agricultural workers, were increasingly being performed by full-time artisans in the "towns" of Haslingden, Newchurch and Bacup (pp. 200–201). But by the 'thirties the cotton industry was outstripping the woollen (p. 202).

(3) *The Rise of the Cotton Industry.* 203–213

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The abundance of water power encouraged the erection of small mills for the carding and spinning of cotton in the Rossendale valleys, and these preliminary processes were from the first almost entirely carried out in factories (pp. 203–206). But until the 'thirties weaving was done chiefly by hand workers, who were employed either at home or in loomshops (pp. 206–208). The coarse fabrics produced were marketed in Manchester or sold locally by drapers and "Travelling Scotchmen" (pp. 208–210). With the introduction of the steam-driven loom, which began to appear in the 'twenties and was extensively adopted after 1835, the new textile manufacture rapidly superseded the old as the staple industry of the district (pp. 210–213).

(4) *Social Effects of the Introduction of Machinery.* 214–222

The adoption of the power-loom was probably accompanied by less distress among hand-loom weavers in Rossendale than in other parts of Lancashire, and it led to a rapid increase in the population, chiefly due to immigration from surrounding districts and Ireland, but partly also to the importation by manufacturers of pauper children and of labourers from the midlands and the south (pp. 214–218). The new race of employers were sometimes harsh and arbitrary in their dealings with their employees, and the system of paying wages by "truck" was common; but they included in their number some who had a real concern for the welfare of their workers (pp. 218–222).

(5) *Roads and Railways.* 222–225

The prosperity of the district was fostered by the construction of turnpike roads and railways which linked the industrialised valleys with the centres of population around.

(6) *Stone and Coal.* 225–227

Improved communications gave an impetus to the development of stone-quarrying and coal-mining.

(7) *The Industrial Revolution and the Small Holder.* 227–229

The growth of manufactures did not diminish the number of small holders, but by increasing the demand for meat and dairy produce greatly increased the value of their farms.

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III. At the Chetham Library.

(*a*) Christopher Towneley's MSS.

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(*b*) Business Accounts and Papers relating to the Andertons, in possession of Major D. Halstead, of Macclesfield.

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KEY TO ABBREVIATIONS USED IN NOTES.

Cal. S.P.D.	= *Calendar of State Papers, Domestic.*
C.C.R.	= *Calendar of Close Rolls.*
C.Ch.R.	= *Calendar of Charter Rolls.*
Clith. Ct. R.	= *The Court Rolls of the Honor of Clitheroe,* by William Farrer.
Court Roll	= MS. Court Roll preserved at Clitheroe Castle.
C.P.R.	= *Calendar of Patent Rolls.*
De Lacy Comp.	= *Two "Compoti" of the Lancashire and Cheshire Manors of Henry de Lacy, Earl of Lincoln* (Chetham Society, O.S., CXII).
Dy. Lanc. D. & O.	= Duchy of Lancaster Decrees and Orders.
Dy. Lanc. Deps.	= Duchy of Lancaster Depositions.
Dy. Lanc. Mins. Accts.	= Duchy of Lancaster Ministers' Accounts.
Dy. Lanc. Pldgs.	= Duchy of Lancaster Pleadings.
Dy. Lanc. Spec. Comm.	= Duchy of Lancaster Special Commissions.
Exch. Deps.	= Exchequer Depositions by Commission.
Exch. K. R. Lay Subs.	= Exchequer, King's Remembrancer, Lay Subsidies.
Hist. MSS. Comm.	= Historical Manuscripts Commission.
Kirkstall Coucher	= *The Coucher Book of Kirkstall Abbey* (Thoresby Society, VIII).
Lancs. Ct. R.	= *Some Court Rolls of the Lordships, Wapentakes and Demesne Manors of Thomas, Earl of Lancaster, in the County of Lancaster* (Record Society of Lancashire and Cheshire, 41).
Lancs. Inqs.	= *Lancashire Inquests, Extents and Feudal Aids* (Record Society of Lancashire and Cheshire, 48, 54).
S.P.D.	= State Papers, Domestic.
V.C.H. Lancs.	= *The Victoria County History of Lancashire.*
Whalley Coucher	= *The Coucher Book or Chartulary of Whalley Abbey* (Chetham Society, O.S., X, XI, XVI, XX).

CHAPTER I.

THE MEDIÆVAL FOREST OF ROSSENDALE.

1. The Earliest Settlements in Rossendale.

The area which has been the subject of this investigation is roughly comprised by the boundaries of the modern boroughs of Haslingden, Rawtenstall and Bacup. The two last named cover the district now known as the Forest of Rossendale, but as the ancient limits of the Forest were never clearly defined and certainly covered a considerable portion of the present borough of Haslingden, and as, moreover, the economic life of this town has been from earliest times intimately connected with that of the rest of the Forest, it has been deemed advisable to treat the whole area as an economic unit, and to give it the inclusive title, the Forest of Rossendale.

Geographically, the district is situated on a spur of the Pennines which protrudes into East Lancashire between the Ribble and the Mersey, and which forms the watershed between the basins of those two rivers. It is a stretch of irregular moorland sharply trenched by numerous streams draining north and south. The chief of these is the Irwell, which, flowing southward, provides in its middle course the main avenue of approach into the district from the South Lancashire plain. Half of the upper course of the Irwell flows at right angles to this route through the Rossendale Valley [1]—a narrow trough some five miles in length, flanked by slopes rising on the northern side by more than 600 feet to an altitude of nearly 1350 feet above sea-level, and on the southern side to an elevation of over 1500 feet. In this valley and in those of its tributaries is concentrated the bulk of the present-day population of Bacup and Rawtenstall. Haslingden lies off the banks of the Irwell, and is situated for the most part on the slopes of a depression which continues northward the route marked by the middle Irwell, and which is drained by its tributaries Swinnel and Ogden.

The existence of this route is of importance in considering the origins of human settlement in the Rossendale area. The Forest was

[1] See map, p. 21.

part of the Hundred of Blackburn and later of the Honor of Clitheroe ; it was also included in the ancient parish of Whalley. Now the valley in which Haslingden is situated provides the easiest and most direct route across the Forest to the old feudal centre of Clitheroe and the ancient ecclesiastical centre of Whalley. All the other natural routes lead across higher and more difficult ground. Hence the earliest settlements in the district would in all probability be made along the Swinnel-Ogden line ; and there is *prima facie* reason for believing that from the point of view of economic development Haslingden is the oldest part of the Rossendale Forest.

It is not possible to fix with precision the period which saw the beginnings of the economic life of the district. They cannot have been very early, and no definite documentary evidence of human settlement has been discovered of earlier date than the thirteenth century. The Domesday Survey, which for many parts of the country gives us so valuable a picture of the economic conditions of the eleventh century, affords us here little guidance. No local place-name is mentioned in that record ; yet it would be unsafe to conclude from such negative evidence that the whole of the Rossendale area at the time of the Norman Conquest was unoccupied waste land, for it is stated that to the Hundred or Manor of Blackburn [1] there had been attached twenty-eight freemen or thegns holding five-and-a-half hides and forty carucates of land as subordinate manors, of which it is quite possible that Haslingden was one. T. D. Whitaker, in his *History of Whalley*, estimated that nineteen of the twenty-eight manors were in Whalley parish,[2] extracting from the *Inquisitio post mortem* of Henry de Lacy, 1311, a table of the nineteen, which included Haslingden.[3] In the absence of definite proof, however, the existence of human habitations in Rossendale at the time of Domesday must not be regarded as more than probable ; and even if Whitaker's surmise be correct, the amount of cultivated land must have been small, as is further indicated by the entry in the Survey that the twenty-eight thegns had woodland extending six leagues in length by four in breadth, which it is reasonable to suppose was the area covered by the waste lands subsequently known as the Forests of Pendle, Trawden, Accrington and Rossendale.[4]

[1] Blackburn Hundred had belonged to Edward the Confessor in 1066, but during the first (temporary) tenure of " Between Ribble and Mersey " by Roger de Poitou had been granted by him to two of his followers and was still in their hands in 1086, so that the king had no revenue thence.

[2] *Op. cit.*, I, 229.

[3] *Ibid.*, 230. Accrington, a vill to the north of Haslingden, is also included in Whitaker's list. For the early history of this town see below, p. 37.

[4] The Domesday description of the state of the Hundred in 1086 is exceedingly brief, because the whole had been granted to two barons, who had enfeoffed no military tenants, but had let it out to (two of ?) their men. The statement that these tenants had eleven and a half ploughs at work seems to apply only to the demesne land of the Hundred.

The altitude and physical configuration of the district are indeed not such as to have invited early settlement. High, bleak, and thinly covered with soil, a *mauvaise terre pour traverser*, it must have offered little attraction to the successive tribes of invaders who penetrated beyond the Pennines. The lower, more level and more sheltered tracts of western Lancashire would naturally be preferred to this unpromising moorland, which thus for long continued to be the home of wolves, deer and wild cattle.[1] Hence the chief value of the district for at least two centuries after the Norman Conquest lay in its advantages for the chase. One of the earliest of its feudal owners, Robert de Lacy, who probably acquired the Hundred of Blackburn (or Honor of Clitheroe) soon after the accession of William Rufus,[2] converted very large tracts of waste land in his holding into forest,[3] or more strictly "chases," since only those hunting grounds held by the king were called "forests." Roger de Lacy and his successors very jealously guarded their rights of hunting;[4] and this circumstance, together with the fact that, unlike other chases, these preserves were subject to the forest laws, was not only an obstacle in the way of clearing and tilling the land, but also an effective deterrent to the cultivation of the few parcels of the waste which the lords were induced to grant to their tenants.

If further evidence were required of the undeveloped state of the district, it is supplied by the fact that it is not till towards the end of the thirteenth century that we read of any religious establishment therein. The earliest reference to a church in Rossendale is of the date 1296. In that year the monks of Stanlaw took possession of the Church of Whalley in pursuance of a deed of gift granted by the Earl of Lincoln twelve years previously;[5] and in the valuation of the parish which they made immediately afterwards Haslingden appears as one of the seven dependent chapelries.[6] It was the poorest of the

[1] According to the historian of Whalley already quoted, the earliest reference to any place in Rossendale by name is in connection with the use of the Forest as a hunting ground in the time of Canute. But his authority is the doubtful story of Liwulphus, dean of Whalley, who was said to have earned the name of Cutwulph from his having cut off the tail of a wolf while hunting at Ledmesgrave, a place which Whitaker identifies as Senesgrave or Lenesgrave, named in the perambulation of Brandwood in Rossendale under Roger de Lacy about the year 1200 (*op. cit.*, I, 316, and 74, note 3).

[2] *V.C.H., Lancs.*, I, 282. Tait, *Mediæval Manchester and the Beginnings of Lancashire*, 192-23.

[3] *V.C.H., Lancs.*, II, 454.

[4] Thus in 1251 Edmund de Lacy obtained a grant of free warren in all his manors of Lancashire and Yorkshire, including Clitheroe, Haslingden, and Tottington (*C.Ch.R.*, 1226-57, p. 357), and in 1294 Hy. de Lacy secured a similar charter (*ibid.*, 1257-1300, p. 436). When the latter granted the advowson of the Church of Whalley to the Abbey of Stanlaw in 1284, he "reserved to himself the right of hunting over the Whalley domains" (*Whalley Coucher*, I, 190; *De Lacy Comp.*, viii.).

[5] *Whalley Coucher*, I, 189.

[6] *Ibid.*, 206.

number, for whilst all the others were endowed with two oxgangs of land, except Altham which had four, the endowment of Haslingden chapel was only one oxgang or 15 acres.[1]

The foundation of a chapel, humble though it was, is nevertheless clear evidence of a resident population. A small community of free and villein tenants had now been established in the valley stretching northwards from the junction of the Ogden and the Irwell. Indeed, the little vill had been a source of revenue to the lords of Clitheroe for half a century, if not longer. An inquisition of the estates belonging to the Honor showed that in 1241 the annual value of the manor of Haslingden was estimated at £3 15s. 5d.[2] At the present day this would seem a ridiculously small amount, but in the thirteenth century it represented quite a material revenue accruing from a by no means negligible acreage of land. In the first place, the purchasing power of money was then at least twenty times as great as in our own pre-war days, and even when we raise the amount in that proportion we can form only a very inadequate idea of the importance of the profits of the Haslingden vill, owing to the comparatively small part which money played in mediæval economy. Secondly, as to the extent of the land from which this sum was derived, we have to bear in mind that land reclaimed from the waste was seldom let at a rent of more than fourpence an acre, and often at less. Now, it is tolerably certain that the greater part of the lord's receipts from the manor would be in the form of land rents, so that it is fair to suppose that by 1241 an area of between 200 and 300 acres at least was in occupation. What this represented in population cannot be judged, but it is of consequence to observe that reclamations were usually made in very small parcels,[3] and that the rate of improvement of waste was necessarily slow. From these considerations we may conclude that, even if the history of Haslingden cannot be dated back to the time of Edward the Confessor, its beginnings must be found well within a century and a half after the Norman Conquest.

If, however, the origin of human settlement in the western, and probably older, part of Rossendale is veiled in obscurity, it is possible to trace with more exactitude the manner in which the economic life of the eastern portion began. There has been fortunately preserved a series of valuable and interesting documents which show how what had previously been abandoned to the purposes of the chase gradually came to be put to more profitable use. These records are connected with the Lacy tenure of the Honor of Clitheroe.

[1] Whitaker, *Whalley*, I, 205. The oxgang varied in size, but was usually about 16 acres. The "two oxgangs" of the other five chapels varied from 32 to 44 acres. The tithes of Haslingden were found to be worth five marks, and the altarage dues and glebe land worth four marks.

[2] *Lancs. Inqs.*, I, 157; *C.C.R.*, 1237-42, pp. 261.

[3] See below, p. 35.

The Hundred of Blackburn, along with the Forest of Bowland and the Manor of Slaidburn, had been granted early in Rufus' reign by Roger of Poitou, the feudal lord of all the land between the Ribble and the Mersey, to Robert de Lacy, the holder of the neighbouring fee of Pontefract; and these lands continued to be held, with some intermissions, by the Lacy family for over three hundred years. In 1193, owing to a failure of the direct line of descendants, the Honor of Clitheroe (as the Hundred of Blackburn came to be called), passed to Roger, Constable of Chester, who was a grandson of a cousin of the last lord, and who now assumed the name of Lacy. He made grants of certain lands in his Lancashire estates to the Abbey of Stanlaw in Wirral; and the circumstance of the transference of this religious house to Whalley rather less than a century later accounts for the preservation in the *Coucher Book of Whalley Abbey* of the earliest documentary evidence of the opening up of the Forest.

The document referred to is a grant by the Constable to the monks of Stanlaw of four oxgangs of land in Rochdale, together with a pasture called "Brendewod"[1] in Rossendale. The portion relating to the latter runs as follows:—

> "Also I have given to them in my forest that pasture which is called Brendewod, to feed their animals by the divisions undermentioned, to wit, from Gorsichelache to Cuhopheued, and so as the Cuhope descends to the Irewel, and so the Irewel to ffulebachope, then going up to Saltergat, then to Hamstalesclogh and so to the Denesgreue, and so by the top of the moss to Cumbehop to Gorsichelache. Also the aforesaid monks shall have in that pasture one hundred cows, with the offspring of two years. And if I shall have animals there, their animals shall feed and go far and wide wheresoever mine feed and go."[2]

From this it will be seen that the monks of Stanlaw were accorded facilities for grazing their cattle in the south-eastern corner of Rossendale, that is, on the slopes rising from the south bank of the Irwell. Whether this was the first part of the Forest area outside Haslingden and Accrington to be turned to economic advantage, it is impossible to tell. If it was, it is difficult to see why this steep and bleak declivity should be selected in preference to other sites which a study of the map suggests as more eligible, unless, indeed, it was chosen because of its proximity to other lands held by the monks in Rochdale. But possibly the better grazing lands were already being used by the Constable, or by others who rented them from him. Whatever the reason for the choice, it is clear that the suitability of the district for

[1] Brandwood was strictly speaking in the ancient parish and manor of Rochdale, but it seems to have been commonly regarded as part of Rossendale. In the Survey of Rochdale of 1626 it is called "Rossendale Hamlett."

[2] *Whalley Coucher*, I, 153.

cattle-rearing had now come to be recognised. This is borne out by the fact that Roger's son, John de Lacy, granted the same religious community licence to cut hay in the Forest for the winter sustenance of its cattle.[1] No doubt this was a permission merely to cut grass from such of the moister and more fertile tracts as the monks chose, as it is unlikely that any considerable portions would be as yet enclosed for meadowland. Further indication of the importance attached by the monks to Brandwood is supplied by the evidence given in a case concerning the right of puture between the Abbot of Whalley and one Richard de Radeclyve in 1344.[2] The statements of the jury throw so interesting a light on the pioneer work of the monastic cattle-breeders as to be worth quoting :—

> " The jurors found that in the time of King John there was in the aforesaid place of Brandwode neither manor nor mansion ; but that it was waste land, not built upon nor cultivated, and was part of the aforesaid forest of Pendle (*sic*) ; and it is said that in the time of King Henry the ancestor[3] (great-grandfather) of the present King,[4] a certain abbot who then was first constructed and built a house in the aforesaid waste of Brandwode, and enclosed a great part of the waste, which is now called the manor of Brandwode." [5]

The beginnings thus described were destined before the century was out to have important developments. It may be that the example of the monks taught the lords of the Forest how its native herbage might be turned to account. In any case, scarcely forty years after the grant of Brandwood, the Forest had become a definite source of profit, and the details of the revenue given in later records make it practically certain that this income was derived from hay and herbage. After the death of John de Lacy in 1240, his wife, Margaret de Quincy, Countess of Lincoln in her own right, had assigned to her certain of her husband's estates as her dower. Rossendale was included in them, and by an inquisition held in 1242 the profits of the Forest were valued at £5 per annum.[6]

2. The Forest of Rossendale.

(*a*) *The Officers of the Forest.*

Beyond the bare facts that an annual income of £8 or £9 was being drawn from Haslingden and Rossendale, and that facilities had been

[1] *Whalley Coucher*, I, 154.
[2] An account of this dispute is given below, pp. 13-14.
[3] " *Proavi*," *i.e.* Henry III, 1216-72. [4] Edward III.
[5] Translated from the Latin quoted by Whitaker, *op. cit.*, I, 317.
[6] *Lancs. Inqs.*, I, 157.

afforded for the pastoral pursuits of a religious community, there is little evidence to enable us to picture the condition of the district until the end of the thirteenth century. Then what has been shrouded in darkness is suddenly illuminated by a series of manorial surveys and accounts which have come down to us. These bring to light a good deal of varied economic activity in the as yet sparsely inhabited moorlands. They show, besides a couple of hamlets with their free and villein tenements, a dozen or more cattle-breeding establishments, a home farm of the feudal lord, and spasmodic efforts to carry on smelting industries, as well as the ordinary business associated with the management of a forest—all controlled by a system of organisation and government which embraced an area of which the Rossendale district formed about one half. It will be necessary to keep in view this central administration, while tracing the development of the various aspects of human activity in Rossendale during the fourteenth and fifteenth centuries.

Since by far the larger portion of the Honor of Clitheroe, as well as of the district with which we are immediately concerned, was waste land, it will be well to begin with that department of the lord's establishment which governed the great tract of open country known as the Forest of Blackburnshire ; and there are sound historical reasons for so doing, inasmuch as not only was the virgin " forest " the foundation upon which subsequent settlements were built, but the organisation of the Forest continued throughout the period to affect the lives of the inhabitants in almost every direction.

The Forest of Blackburnshire comprised the four chases of Pendle, Trawden, Rossendale and Accrington. These, as already implied, were not forests in the legal sense of the term. Yet though they were not at this time held by the king, they came to occupy a peculiar position and to be subject to the forest laws. This was due to their incorporation with the Forest of Lancaster after the death of Henry, Earl of Lincoln, the last of the Lacys in the male line to hold the Clitheroe estates. Henry's heiress, Alice de Lacy, married Thomas, Earl of Lancaster, so that the two great honors of Clitheroe and Lancaster were now united in the same hands. Now as the forests of Lancaster Honor had for the most part been held by the Crown until 1267, they had been regarded as royal forests ; and though, in that year, they had been granted (as part of the king's demesnes in the county of Lancaster) to Henry III's son, Edmund Crouchback,[1] they were again, in 1285, raised to the dignity of a forest in the strict sense by letters patent of Edward I, allowing the Earl of Lancaster to appoint justices to hold forest pleas. Thus it came about that, whereas hitherto offences in the chases of Blackburnshire had been subject to the common

[1] *C.Ch.R.*, II (1257-1300), p. 78.

law, now by their union with the Forest of Lancaster they came to share in the peculiar system by which the royal forests were governed. Not only were pleas of vert and venison presented before "attachment courts" or "woodmotes," but these chases also came under the jurisdiction of the forest eyre held by justices appointed by the earl with precisely the same functions and powers as justices in eyre appointed by the king over royal forests.[1]

While, however, for judicial purposes all the chases of Lancashire were combined in this unique position, those of the Honor of Clitheroe still retained their independent financial administration. Separate accounts were rendered from them and they retained their own officials.

At the head of their organisation was an officer styled variously "Master Forester," "Chief Forester," "Steward of our Forests," "Chief Warden," "Keeper of the Woods and Chases," and "Master Forester, Storer and Seneschal."[2] He was usually a person of social standing, like the Stanleys and the Nevilles who held the office in the fifteenth century, and his position carried with it considerable perquisites and privileges. Appointed by letters patent of the Duchy Court, he received therefrom all writs and orders relating to forest business. He employed and paid those who were necessary to assist him in the management of the woods and chases under his control, while he or his deputy presided at the local courts. And every year he rendered to the Steward of the Honor his account of forest issues and expenditure.

From the details of the forest accounts, supplemented by data from other sources, we are able to form some idea of the way in which the chases were managed. The chief item of the Master Forester's expenses was the payment of wages to his assistants. In every forest there were engaged foresters, whose number varied in different forests and, in Blackburnshire at least, at different times. During the early part of the fourteenth century there were probably not more than two for all the chases in the Honor, but in the middle of the century we read of as many as nine.[3] In 1311, when the Clitheroe possessions were in the hands of the escheator after the death of Henry de Lacy, there were two, who were paid at the rate of threepence each per day.[4] Apparently there had been the same number in 1247, when a pardon

[1] See, *e.g.*, Cal. of Chancery Rolls of the County Palatine, 33*rd Report of Dep. Keeper*, App. I, No. 1, p. 20; 37*th Rept.*, App. I, No. 2, p. 173; also below, Appendix A.

[2] Sometimes, especially in the fifteenth century, the Master Forester had charge of other forests besides those of Blackburnshire. Thus, in a warrant of 1479, Thomas Radcliffe, knt., was addressed as "Steward of oure Forestes of Quernemore, Wyresdale, Blesdale, Mirescogh, Fulwode, Penhull, Trawden, Rossendale and Acrington."

[3] In 1346. *C.P.R.*, 1345-48, pp. 44-5. Four are mentioned in 1344. *Ibid.*, 1343-45, p. 202-4.

[4] *Lancs. Inqs.*, II, 32.

was granted to Richard de Cryneshal and Henry de Bradele, "the king's foresters of Blakeburneshire," for the death of Adam Kalveknave, whom they had killed in self-defence.[1]

Usually each forester was charged with the oversight of an allotted division of the forest, called a ward, walk or bailiwick. The affray just recorded, however, would appear to indicate that in these chases during the thirteenth century the foresters worked together for mutual support and safety, and it is only in the fifteenth century that we read of separate foresters for the different chases. Probably also the same incident supplies an illustration of their duties, for they occupied a position somewhat analogous to that of a modern gamekeeper.[2] They had to preserve the "vert" and "venison," that is to say, they had to "attach" or secure the persons of those who unlawfully cut down, carried away, or damaged the timber and undergrowth of the forest, or without authority hunted the beasts of the forest. The mere suspicion of poaching was sufficient to place a trespasser in custody. "If they found any man in the forest with bows and arrows, snares or dogs, they might arrest and imprison him as if they had actually seen him hunt or kill the deer."[3] All persons attached for breaches of the forest law had to be subsequently presented by them in the local courts.[4]

The safeguarding of the deer was at all times the duty of the foresters, but at certain seasons of the year these beasts of the forest needed special protection and care. During the fawning period or "fence month," *i.e.* the fortnights before and after midsummer day, the rights of way through the forest were curtailed, and even the pasturing of cattle, horses and pigs in the forest was restricted in order that the deer might be subjected to as little disturbance as possible. In the winter time, too, the deer needed special attention. It was the custom for the foresters to cut down tree-clippings as browse for them when other food was difficult to get, but in the Blackburnshire chases, at any rate in some years, this work seems to have been done by men specially engaged for the purpose. For example, the account of the Master Forester for the year 1323-24 shows an item of 14d. "for cutting down branches for the sustenance of the deer in winter;"[5] and the Ministers' Accounts of the latter half of the fifteenth century regularly contain wages paid for the same purpose in Pendle (3s. 4d.) and Rossendale (6s. 8d.). From the latter amount we may reasonably conclude that the number of deer in Rossendale must have been considerable, since the equivalent of a man's labour for two or three months was required to provide them with winter fodder.

[1] *C.P.R.*, 1232-47, p. 496. [2] Turner, *Select Pleas of the Forest*, p. xx.
[3] J. C. Cox, *Royal Forests of England*, p. 19.
[4] For an account of the judicial machinery of the Blackburnshire forests, see Appendix A.
[5] *Lancs. Inqs.*, II, 200.

The forests, of course, were not enclosed, so that except in the parks there was always the danger of the deer straying outside the bounds. To assist the foresters in preventing the animals from being lost in this way and from being stolen by thieves, it appears to have been the regular custom to engage moor-drivers or deer-drivers. They seem to have been needed in the winter months—from Michaelmas to May—during which period they earned sixpence a week. The Master Forester's Account for 1323-24, which has already been referred to, has an entry of 31s. for "the wages of two men keeping the marches of the forest and driving the deer from without the metes of the forest within the same both in Rossyndale and Penhill." [1] Later there were four moor-drivers, two in Pendle, one in Trawden, and one in Rossendale; [2] while in the following century assistants had to be appointed "because the same moordrivers were not sufficient to protect the aforesaid beasts." [3]

Another function of the foresters in these chases was to look after the herbage—a duty which in most forests pertained to special officers called "agisters." We have already seen that it was the herbage that constituted the earliest source of economic profit in Rossendale. Certain parts of the area were now definitely set aside for the feeding of the cattle of the residents in or near the Forest. At the end of the thirteenth century, Deerplay, Primrosesyke (now Dunnockshaw), and Brocklehurst in the north, and Cowpe, Alden, Musden and Ogden in the south were already being so used. In the year 1295-96 the receipts for herbage accounted for one half of the profits of Haslingden and Rossendale, while in 1304-05 they formed nearly three-quarters of the lord's revenue therefrom.[4] As the population grew other parts were adopted for pasture. Brandwood and Rockcliffe, for instance, appear in the fourteenth century, and in the fifteenth several others which will be noted later. These feeding grounds were at first not let out to individuals, but payments were made to the foresters by the users for the privilege of grazing their cattle upon them, and for permission to cut and carry off hay. Probably there was a fixed charge for each beast pastured. The Abbot of Whalley, in 1296, paid 13s. 4d. for the agistment of 80 cattle. If this rate of 2d. per head were the rule, there were, besides the beasts of Whalley Abbey, over 400 cattle belonging to private individuals agisted in Rossendale during the same

[1] *Lancs. Inqs.*, II, 200. [2] Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6.

[3] "Et in stipendium unius hominis custodientis feras domini apud Estmore (xs.) Rossendale et Trowden (iiijs ijd.) ac unius hominis apud Todyngton (xs.) in auxilio predictorum iiijor moredrivariorum ac quia iidem moredrivarii non sufficiunt ad custodiendum feras predictas sine auxilio eorum" (Dy. Lanc. Mins. Accts., Bdle. 77, No. 1509; 29-30 Hen. VI); and a like entry occurs in the later accounts.

[4] The actual figures were in 1295-96 £6 16s. 2d. out of a total income of £13 15s. 11½d., and in 1304-05 £11 1s. 7d. out of £16 2s. 7½d (*De Lacy Comp.*, 4-5, 119-20; 100, 176).

summer.[1] It is to be noted that the animals put upon the pastures were almost exclusively cattle, horses being little used for farm and draught purposes in those days, while the grazing of sheep and goats without special licence was forbidden by the forest laws.[2] The Abbot and "others of the country" also purchased hay to the value of 17s. 6d.[3] A rough idea of what this sum represented in quantity may be gathered from a valuation made fifteen years later, in which the profits of hay sold in the Blackburnshire forests were calculated at the rate of "1 penny from each person mowing, lifting and carrying away one cartload of hay."[4]

Besides collecting the sums due to the lord of the manor for agistment and the sale of hay, the foresters had to see that the pastures and meadows were maintained in proper condition. Farmers of the Pennine uplands know how easily reclaimed land relapses into a state of wildness through neglect, and readers of Mr. Halliwell Sutcliffe's novels will recollect how the indigence of some of the moorland squires had allowed the heath to eat up their ancestral acres and thus contributed to the difficulties which compelled their descendants to relinquish their estates to a new race of manufacturing masters. Since so large a proportion of the lord's revenue depended upon the quality of the grassland, great importance was attached to this part of the foresters' duties; and in 1342 we find that the officers, both in Pendle and Rossendale, were amerced for insufficient keeping of the queen's herbage.[5] The foresters had, moreover, to exercise strict supervision over the animals allowed to pasture, and to see that no beasts were admitted without payment and that those allowed in did not wander outside the bounds set for them. Stray beasts were seized and detained in a fold or pound until they were ransomed by their owners. Two such folds were constructed in Rossendale and one in Accrington in 1324 at a cost of 12d. each. "Profits of Escapements" was a regular heading in the Forest accounts, at least in the fifteenth century; but in addition to the sums paid for the recovery of estrays, fines imposed in the Halmote on those who attempted to regain their animals without payment, and the sales of stray beasts unclaimed must have formed no inconsiderable part of the perquisites of the manorial courts. The rolls of the court of the Clitheroe Honor for 1323-24—almost the only ones, unfortunately, before the end of the fifteenth century which have come down to us—reveal many items of this nature. In Tottington one

[1] *De Lacy Comp.*, 4-5, 120.

[2] It has been supposed that both sheep and goats were disliked by the deer. The writer of the Introduction to the *De Lacy Comp.*, however, attributes the absence of sheep to the presence of wolves, and to the fact that sheep farms require good fences, the pastures being at that time unenclosed (*op. cit.*, xxi).

[3] *Ibid.*, 5, 120.

[4] *Lancs. Inqs.*, II, 8.

[5] Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6. The amount of the fines imposed on the foresters of Rossendale (including Hoddlesden Chase) was £3 8s. 9d

John de Notehurst was amerced 8s. " for liberating two oxen of estray " after they had been impounded.[1] Nicholas de Holden of Haslingden paid 4s. 6d. for two " weak stags [*i.e.* young cattle] of estray " which evidently had not been claimed by their owners and were sold to him.[2]

Another entry in these rolls records that on 22 September, 1324, a certain Adam, son of Simon de Derwynt, was fined 6d. for the escape of six pigs in Rossendale.[3] We have here a glimpse of another of the forester's functions. Usually swine were allowed in the forests only during the " pannage " season when acorns and nuts were falling from the trees, that is to say, from September till the middle of November.[4] A charge called a pannage fee was made, one penny, as a rule, for each pig more than one year old, and a halfpenny for every pig over six months ;[5] and it was the forester's (or agister's) business to collect the fees and to " present " those who had unagisted swine in the forest. From the date of the above presentment we may surmise that the attractions of the harvest which had dropped from the forest trees had proved more effective than Adam de Derwynt's vigilance over his six pigs.

During the previous year the receipts of the Master Forester from Rossendale included 6s. 9d. from pannage fees and 5s. from the sale of nuts ;[6] but the other records of the fourteenth century are too few and are insufficiently detailed to enable us to ascertain whether this source of revenue continued. It certainly seems to have died out before the end of the century, for none of the later accounts which have been examined gives any indication of its existence.[7]

It has generally been considered that Haslingden owes its name to the abundance of hazel trees in the vicinity,[8] and the evidence just given of the sale of nuts and agistment of swine may lend support to that derivation. But we ought not to be misled into thinking that Rossendale was ever at any period of which we have records a thickly wooded area. " Forest " in the mediæval sense has no necessary correspondence to the modern meaning of the term. It was primarily a stretch of uncultivated land in which certain beasts of the chase were preserved for the king's hunting or, as in the case of the chases of Blackburnshire, for the sport of its private owners. It included, of course, a certain amount of woodland, and the modern signification of the term seems to be derived from the fact that large parts of the wastes in which the right of hunting was preserved were covered with

[2] *Lancs. Ct. R.*, 7. [3] *Ibid.*, p. 59. [4] *Ibid.*, p. 36.
[4] Cox, *Royal Forests of England*, p. 41. [5] *Ibid.*, p. 42.
[6] *Lancs. Inqs.*, II, 199.

[7] In 1467 the " herbage and pannage " of Musbury Park was leased for twenty years (Whitaker, *Whalley*, I, 316 n.), though whether the phrase was more than a legal form it is impossible to say with certainty.

[8] E. Ekwall gives the derivation of the name as from O.E. *hæslen*, adj., " of hazels," and *denu*, " valley " (*Place Names of Lancs.*, 91).

trees and undergrowth.[1] In the case of Rossendale, however, the higher parts can never in historic times have been suitable for other vegetation than coarse grass, furze, and other hardy shrubs. Trees would only abound in the sheltered valleys and along the banks of the streams, and in all probability they would not be such as were of most value for timber. This can be gathered from the infrequency of any mention of the sale of oaks in the forest accounts, or of amercements for the unlawful felling of oaks in the court rolls, especially as the preservation of timber was one of the chief objects of the forest laws and one of the main duties of the forester. There are indications that even in the middle of the thirteenth century there was need for the husbanding of the timber resources of the whole forest of Blackburnshire ;[2] and while at the end of this and in the early part of the succeeding century a considerable revenue was derived from the sale of brushwood and charcoal for iron-smelting, even this means of profit seems to have declined later.[3]

To the office of forester belonged certain perquisites which, in Lancashire, at any rate, proved a source of frequent annoyance to the inhabitants of the forests. The necessity of riding over a wide area in the performance of his diverse functions probably accounts for the privilege which he enjoyed of demanding from the tenants food and shelter for himself, his horse and his dogs—a claim which was termed "puture." In some forests the people were subject to all sorts of petty exactions, both in money and in kind. Indeed, in the days before the position carried with it a regular remuneration, the opportunities of extortion were, in many cases, sufficient to make the system of farming the office customary.[4] So grievous did the practice become that the Charter of the Forest of 1217 expressly forbade the levying of payments in kind.[5] An undated deed of Henry de Lacy granted to his free tenants of Blackburnshire immunity during his life from payment of puture for the chief forester's horse and groom.[6] It does not seem clear whether this exemption of the free tenants continued, but the customary tenants were always liable to find the foresters of the lords of Clitheroe quartered upon them, and they were amerced in the local courts if they refused to furnish the necessary hospitality. For example, two tenants were presented at the Court of Clitheroe on 4 July, 1324, for default of puture and fined 6d. and 3d. respectively.[7]

In the reign of Edward III occurred a dispute between the Abbot

[1] Cox, *Royal Forests of England*, pp. 1-2.

[2] "A release made by the Abbot of Kirkstall in 1249 to Margaret, Countess of Lincoln, for 10s. a year, of the right to take yearly 20 wainloads of timber in the third part of the forest of Blackburnshire, then belonging to her in the name of dower" (*V.C.H., Lancs.*, II, 455, quoting Dy. Lanc. Great Coucher, I, 80).

[3] See below, pp. 27-29. [4] Turner, *Select Pleas of the Forest*, p. xxi.

[5] Chap. VII. [6] *Whalley Coucher*, IV, 1161-2. [7] *Lancs. Ct. R.*, 60.

of Whalley and Richard de Radeclyve, the Master Forester of Blackburnshire, which is interesting as an example of the tendency of the forest officers to exceed their rights. The abbot was lord of the "manor" of Brandwood, which had been erected by one of his predecessors on the waste land given to the abbey by Roger de Lacy. Though this estate had been granted "in free pure and perpetual alms . . . without any services or other charges therefore payable," the Master Forester had not only claimed there, but every Thursday night and Friday for the space of twenty months [1] had forcibly exacted, puture for himself, his four foresters, his horse and groom. For the defendant it was urged that the right of puture had at all times belonged to the Master Forester by virtue of his office, and that, moreover, the monks at Brandwood had, prior to the occasions complained of, often afforded food and shelter to his under-foresters. The abbot replied that this hospitality had been rendered out of courtesy to Henry de Lacy, who, when about to depart to the wars in Scotland, had requested the abbot to succour his foresters in the discharge of their duties during his absence. Such assistance, however, it was held, could not be held to constitute a claim for puture. The case was settled by the election, with the consent of both parties, of twelve jurors, who upheld the abbot's claim to immunity from the burden and awarded him £4 damages. Richard de Ratcliffe was accordingly committed to prison until the sum was paid.[2]

Shortly after this decision a statute of 1351 forbade forest officers to demand victuals and other payments in kind "by colour of their office against anie man's will," though, as such payments as were "due of olde right" might still be enforced, it will readily be understood that the enactment proved quite ineffective. In the chases of Blackburnshire, at least, puture continued to be exacted and, evidently, to be a cause of dissatisfaction; for the tenants subsequently complained of "divers displesours and annoyances" committed against them by the foresters, and secured a commutation of the claim of puture to an annual sum of £12 13s. 4d. This composition was paid till 1461, when for some reason which does not appear it was respited. In 1501, however, the king issued a commission to inquire which of the tenants were liable for payment and to compel them to contribute their shares on penalty of the forfeiture of their holdings.[3] Henceforth puture rent survived until at least the time of Charles II, for

[1] That is, during 1343-44.

[2] *C.P.R.*, 1343-45, pp. 202-4. Eight years later Henry of Lancaster, as lord of the Honor of Clitheroe, in a confirmation of the previous grants to Whalley Abbey, expressly exonerated the monks from liability to puture (*Whalley Coucher*, IV, 1164-66). See *C.C.R.*, 1327-30, pp. 262-3, for a somewhat similar dispute in 1328 between the Abbot of Kirkstall and Ratcliffe's predecessor in respect of the manor of Barnoldswick.

[3] Newbigging, *Rossendale*, pp. 40, 41; Cox, *op. cit.*, p. 105.

Meridies
The common of Tottington
Alden Comon parcell of the mano of Tottington
Musden is the mand of accrington
Broadheade in Bolton pysshe occidental
Haslingden Moore
Musdenhead in the paryssh of Burie and of the mand of accrington
musberie parke
in the pysshe of burie and of the maner of Accrington.
the typpett of Vgden conteneth in measure 18 acr
Vgden pasturs in the pysshe of burie and in the mand of Accrington
typpett
Vgden Watter
typpett
Vgden
the demayn of holden in the mand of Accrington
typpett
Vgden Watter
demayne
of holden
typpett
Vgden Watter
demayn of holden
bolden mylle
Podholle
hasty nden chuche
mytne brook
the mand of accrington hye Waye
the mand of accrington
the mand of Accrington.
the hye Way
the mand of Accrington
the hye Way
the park brooke
Alden Watter
Alden brooke devideth the mand of Accrington from Tottington
accrington
Tottington
hyeway
hyeway
Tottington
Several lands of Tottington
the hye way from holden to Tottington
Tottington
Hayton Parke in the mand of Tottington
Tottington hey
hyde yate
Yrwell flumen
The mand of Tottington
fissh house
Cockham fribolde in the mand of Accrington
Cockham fribolde in the mand of Accrington
Cockham fribolde in the mand of accrington
Septem Triones
the fissh molle of the mand of accrington
Yrwell
The schall of Rocks and Ewe at the east corner S. Rocks as it was inclosed.
Orientall.

MUSBURY PARK.—Adapted from a plan prepared in 1580 *A.D. and preserved in the Public Record Office*

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when the Clitheroe Honor was bestowed by that monarch upon the Duke of Albemarle, it was found that the revenues thereto belonging included many small amounts in respect of this obligation.[1]

(*b*) *Musbury Park.*

It will have become apparent from the facts which have been adduced to illustrate the manner in which the Forest was regulated that Rossendale had, in the fourteenth century, passed well beyond the stage when it was simply a hunting ground, and the details which are to follow will strengthen that impression. The district still continued, however, to provide sport for the lords of Clitheroe and their servants, though with the advance of civilisation, it is highly probable that the beasts of the chase were diminishing in number. Venison, in particular, was always esteemed a delicacy in the Middle Ages, and we have seen what precautions were taken in the ancient forests to preserve the deer. It was in order to afford further protection to these animals that special enclosures called "launds" or parks were often made. The Earl of Lincoln had two or three such preserves in his forests of Blackburnshire. One had evidently been created at Ightenhill before 1296, for the wages of the parker there were included in the expenditure of that year.[2] Another was enclosed from Tottington Forest at Musbury and attached to the Forest of Rossendale.[3] Its construction in 1304-05 affords an interesting example of mediæval forestry.

In extent the Park of Musbury covered the high moorland between the present reservoirs of the Bury and District Joint Water Board and Bull Hill. Tor Hill, which with its distinctive appearance of a truncated cone is so conspicuous a feature of the landscape for miles around, stood almost at its centre. Round this the encircling ridges of Musbury Heights, Musden Head and Alden Moor formed its northern, western and southern limits, while its eastern boundary lay probably a little to the west of the present Holcombe Road, at the foot of the steep slopes which descend to the Ogden Brook.[4] The area thus defined was enclosed by a paling 1006 perches in length,[5] which, at the rate of 8 yards to the perch (the customary measure of Tottington manor), would be 8048 yards, or about $4\frac{1}{2}$ miles. Some of the timber for the fence was doubtless obtained on the spot, but a part also was brought from Tottington Forest. It was cut down and shaped into palings by carpenters and wainwrights and then carted by oxen.[6]

[1] *Clith. Ct. R.*, II, pp. 426 *et seq.* [2] *De Lacy Comp.*, 15, 125.

[3] According to Whitaker (*Whalley*, I, 284), New Laund in Accrington was also a deer park, but I have not been able to trace any record of its enclosure or of the appointment of a parker there. It seems more probable that it was a pasture

[4] See map, p. 21, and plan of the park, opposite.

[5] *De Lacy Comp.*, 115, 185. [6] *Ibid.*, 98, 175, 115, 185.

Eighteen beasts were specially purchased for the purpose, a fact which seems strange in view of what we know of the earl's extensive cattle-breeding enterprise.[1] Possibly he had not at the time a sufficient number of mature animals to spare from his own stock to get the work completed within a specified time.

These facts make it evident that the enclosure of the park was an operation of some magnitude, and the importance which the feudal lords of the time attached to the chase and the breeding of venison is demonstrated by the amounts which they were prepared to lay out in works of this kind. Besides the sum of £8 17s. 9d. spent in the purchase of the above-mentioned oxen, the Earl of Lincoln expended no less than £74 0s. 5½d. in wages, bringing the total cost to £82 18s. 2½d.[2] Multiplying by twenty in order to translate this figure into something like pre-war values, we see that about £1660 were spent on the making of Musbury Park alone.

After the park was enclosed, a parker or park-keeper was appointed to maintain the fences, to protect the deer from ravages by wolves or theft by deer-stealers, and to see that they were not hunted by unauthorised persons. In the autumn he had to cut down branches for the winter food of the herd. His position was thus analogous to that of a forester. Indeed, he was a forester with a limited and exclusive jurisdiction. Not even the herbage of the park fell within the purview of the ordinary forester. But, to judge from its remuneration, the office of parker ranked somewhat lower than that of the other permanent officials. According to an extent of 1323, the wages of the former were only 1½d. per day, or 45s. 6d. a year, just half the amount usually paid to a forester;[3] and throughout the second half of the fifteenth century, if not earlier, they were even less, only 1d. per day being allowed in the Ministers' Accounts.[4]

After 1322 the Clitheroe estates were in the hands of the king owing to their confiscation as the result of Thomas of Lancaster's treason at Boroughbridge. By a royal mandate, dated 11 October of the following year, a new deer-leap was made, costing 18s.[5] This was a contrivance for trapping deer which roamed at large in the Forest. It consisted of a lower part of the fence over which deer could easily leap, and a ditch or steep upward slope on the inner side. The animals could thus enter the park, but were prevented from escaping.[6]

[1] See below, pp. 17-27. [2] *De Lacy Comp.*, 98, 175, 115, 185.

[3] *Lancs. Inqs.*, II, 201. *Cf.* Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6: "Idem computat in vadis Parcarii de Musbur' per annum qui capit per diem jd. ob. —xlvs. vjd.

[4] *E.g.*, "Et in vadiis Richardi Brounlowe parcarii parci de Musbury ad jd. per diem causa occupacionis dicti officii ad terminum vite sue," etc. (Dy. Lanc. Mins. Accts., Bdle. 89, No. 1641). Similar entries appear in later years.

[5] *Lancs. Inqs.*, II, 201. [6] W. R. Fisher, *The Forest of Essex*, 217.

(c) *The Vaccaries of the Forest.*

The creation of Musbury Park was only one of many varied activities of its encloser. Henry de Lacy was one of the most powerful barons of his time, holding extensive territories in Cheshire and Yorkshire as well as in Lancashire. He figured conspicuously in the wars of Edward I in Scotland, but his interests were by no means confined to military pursuits. Under him the estates of Blackburnshire were vigorously developed, and from the detailed accounts of his stewards which have survived we are able to piece together a vivid picture of the life of his servants and tenants. Lands were enclosed, farms were cultivated, great herds of cattle were raised, mines and quarries were worked—in short, the resources of his estates were exploited in every direction then possible. Rossendale in particular appears to have reached, under his régime, a position of consequence which it had certainly never enjoyed before, and which it did not attain again for some centuries afterwards.

The principal value of the Forest to the earl lay in its adaptability to cattle-farming. In the Middle Ages, cattle were one of the chief forms of wealth. They were used for many purposes for which horses were commonly used in later times. Oxen were the usual draught animals employed in farm-work, as they had been in Biblical and classical times, and as they still are in Normandy, Italy and the East. The stock on the earl's home farm or grange of Accrington in 1296 included twelve oxen, but only one horse (a mare) and two foals,[1] while in 1305 there were sixteen oxen as against one work-horse.[2] They were also the beasts of burden used by the king for transport purposes. Edward I more than once took oxen from Bolton Abbey to convey the baggage of his army towards Scotland.[3] In addition, being easily transferable, cattle often served as a medium of exchange: taxes had in earlier times been paid in cattle, and forfeitures to the Crown were still in the thirteenth century exacted in the form of stock.[4]

From these considerations, apart from their value as meat and from the products of the dairy, it will be seen how important cattle were in mediæval economy: and from this point of view Lancashire came to be, during the thirteenth and fourteenth centuries, an area of quite considerable significance. Unsuited by climatic conditions for corn-growing, it produced a breed of cattle which, according to Camden, possessed all the good qualities insisted upon by ancient writers.[5] They were long-haired, hardy and active, with thick hides and shaggy hair, admirably adapted to stand the severity of the winter

[1] *De Lacy Comp.*, 3, 119. [2] *Ibid.*, 90, 170. [3] *Ibid.*, Introd., xx.
[4] *V.C.H., Lancs.*, II, 263, and refs. there given. [5] *Britannia*, III, 127.

and the attacks of the wolves.[1] Such were the beasts reared by the hundred in the earl's Forests of Trawden, Pendle, Rossendale and Accrington.

The areas utilised for this purpose were called "vaccaries"—a term which was used with varying significance. Du Cange defines the expression as *Ager vel prædium vaccarum numero alendo idoneum;*[2] but it is obvious from the records that the Blackburnshire vaccaries were more than mere stretches of pasture land, and were permanently established cattle farms, in which stock were regularly reared and bred; and it is in this sense that the term is used in these pages.

The vaccaries of Blackburnshire were preceded by similar establishments in the Honor of Lancaster. Almost a century before the Earl of Lincoln's time, there had been some fifteen cattle farms in Wyresdale.[3] The rich alluvial pastures on the banks of the Wyre formed an ideal breeding ground for cattle, as they do to-day, but before the middle of the thirteenth century the less luxuriant grasslands of the moors on the western flanks of the Pennines were being requisitioned for the same purpose.[4] In 1242 the vaccaries and stud farms of the Honor of Clitheroe were valued at 100 marks per annum. These then belonged to John de Lacy, the grandfather of the earl, but whether any of them were situated in Rossendale the records do not show. Fifty years later, however, the stock-farms of Rossendale were as numerous and as profitable as those of any other part of the Clitheroe domains.

The fortunate preservation of the Earl of Lincoln's accounts for a couple of years (1295-96, 1304-05), enables us to see in some detail how his extensive stock-raising enterprise was organised and managed. From these records we learn that the cattle-farms were distributed among the four forests of the Honor in the following manner:—

[1] Baines and Fairbairn, *Lancashire and Cheshire, Past and Present*, I, 70.

[2] *Glossarium Mediæ et Infimæ Latinitatis*. Spelman defines a vaccary as *domus sive locus quo vaccæ aluntur, vel quo negotium quod eas attinet perficitur (Glossarium Archaiologicum)*.

[3] In 1194 the Honor of Lancaster, which had been granted to John Lackland, was resumed by Richard I, after the failure of his brother's rebellion. John had allowed the vaccaries to become depleted, and accordingly the Sheriff was authorised to replenish the stock in the following year, though this does not seem to have been done (W. Farrer, *Lancs. Pipe Rolls*, 92-5).

[4] On the eastern side of the Pennines also, in Richmondshire, a number of vaccaries were set up, though they were probably later than the Lancashire establishments. According to the Inquisition *post mortem* of John, Duke of Brittany, in 1342, there were then more than a score (T. D. Whitaker, *History of Richmondshire*, I, 56-7). The Forest of Macclesfield in Cheshire had cow farms in the early thirteenth century (*Chartulary of Chester Abbey*, I, 76-7; II, 332).

TABLE I.

BLACKBURNSHIRE VACCARIES.[1]

Forest.	Number of Vaccaries.	
	1296.	1305.
Trawden . .	5	5
Pendle . .	11	10
Rossendale .	11	11
Accrington .	1	3

Thus there were in the Hundred of Blackburn some twenty-eight or twenty-nine establishments for the breeding of cows. In addition, the earl had two ox-farms at Accrington (see below, p. 25), and a place for cows at Hoddlesden. Each of the vaccaries was let out on a kind of stock and land lease system for an average rental of £3 per annum. The herdsman [2] in charge of the vaccary lived in a wooden hut called a "booth,"—a word which appears as the suffix of many place-names still surviving. Notable examples are Crawshawbooth and Goodshaw Booth in the Limy Water valley and Wolfenden Booth near the junction of the Whitewell and the Irwell.[3] Besides the cow-keepers, there appears to have been in each of the chases an official styled the "Instaurator [4] of the Forest" occupying an intermediate position between the Chief Instaurator of Blackburnshire and the keepers of the vaccaries. In the case of Rossendale one of the cow-keepers, Henry del Estocke, seems to have filled this office; but William de

[1] These figures are compiled from the accounts of the cow-keepers given in *De Lacy Comp.*, 20-37, 129-39; 68-85, 156-66. Among the receipts of the Receiver of Clitheroe for 1295-96 is the sum of £81 for the "produce of 27 vaccaries let out" (14, 125). This is evidently the rental of the 27 vaccaries in the Forests of Trawden, Pendle and Rossendale. The Accrington vaccary was then probably not let out, for the milk went to the earl's farm (see below, p. 27). In 1304-05 the receiver's account records "Rent of 29 vaccaries let, £87" (111, 183). Here the number of vaccaries corresponds with the total given for that year in the table above, and suggests that the three Accrington cattle-farms were now let out as the others.

[2] The cowkeeper was not always a man, for in Trawden one vaccary was held by Emma de Munkerode in 1296 (*De Lacy Comp.*, 21, 130) while Robert de Couhoppe apparently succeeded Cecilia de Helaye in one of the vaccaries of Rossendale (*ibid.*, 32, 135).

[3] In modern times and until 1894 there were two composite townships in Rossendale formed by grouping together some of the hamlets which grew up round these booths, and called respectively "Higher Booths" (Crawshawbooth, Goodshaw Booth, Love Clough, Gambleside and part of Wolfenden) and "Lower Booths" (Rawtenstall and Constable Lee).

[4] *Anglice*, stocker.

Rocheley, who is called the "Instaurator of Trawden," does not appear to have had personal charge of a vaccary.[1]

The *De Lacy Compoti*, while giving the names of the keepers, do not indicate the situation of the various vaccaries; but from the rental of the lands of Thomas, Earl of Lancaster, in 1323-24,[2] it is possible to locate the eleven vaccaries in Rossendale and the three in Accrington. Their situation is indicated on the map opposite, from which it will be observed that they all occupied the lower parts of the district and were situated along the banks of the streams. In Rossendale there were five along the upper reaches of the Irwell, namely, Bacup, Tunstead, Wolfenden, Deadwinclough and Newhall; the remainder lay in the valley drained by the Limy tributary at Gambleside, Love Clough, Goodshaw, Crawshaw, Constable Lee and Rawtenstall. In the manor of Accrington the three vaccaries of 1305 were situated at Riley, Antley and Cowhouses.

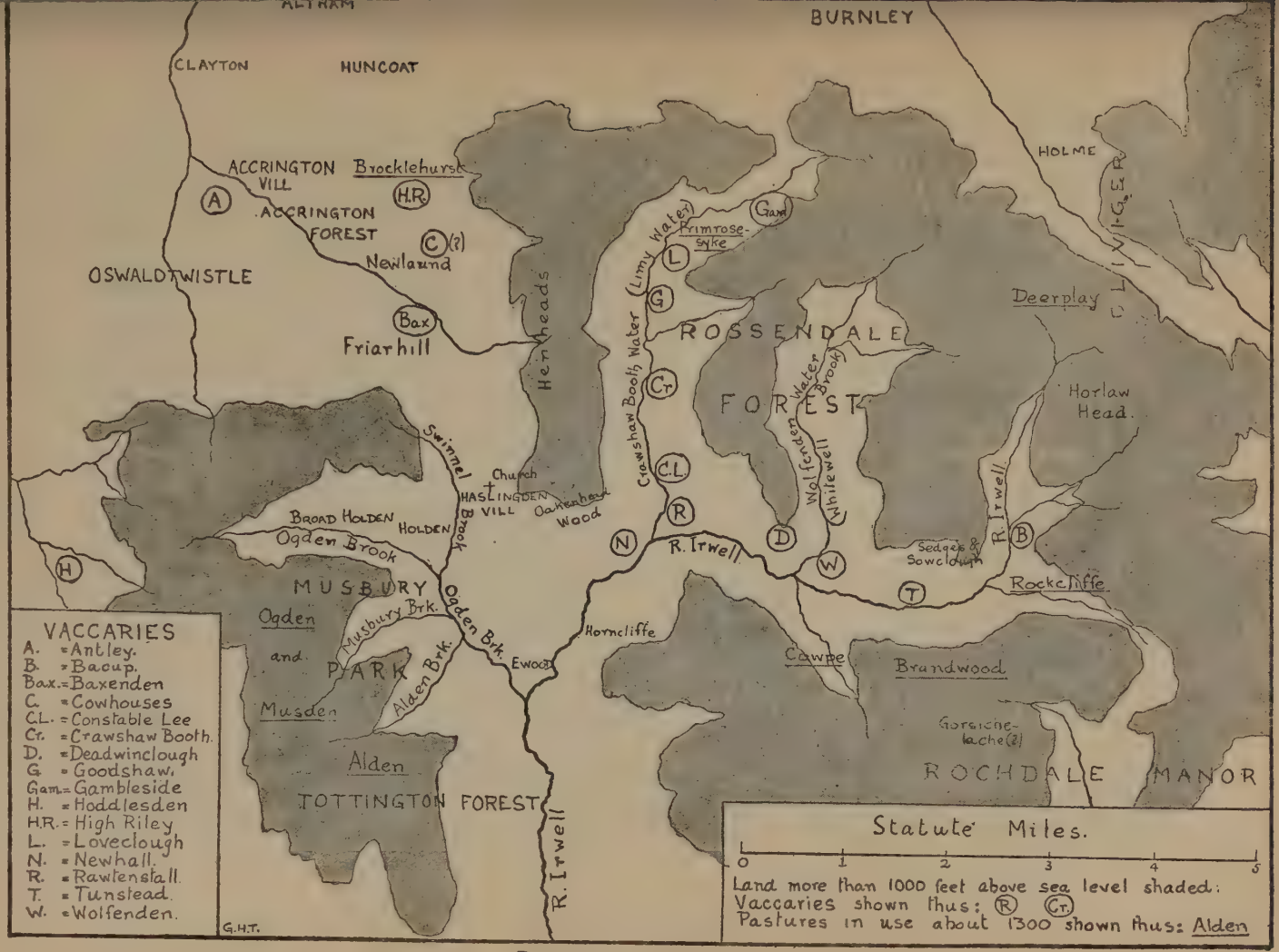
Whitaker, in his *History of Whalley*, describes the vaccaries as "great upland pastures for breeding young and depasturing lean cattle, which were afterwards fattened in lower domains."[3] In general, this description would appear to be correct so far as the altitude of the breeding areas in Rossendale is concerned, for the valleys above indicated lie at a height of about 700 feet above sea-level. It must, however, be observed that the vaccaries of Accrington were only 400 or 500 feet above sea-level, and those of Wyresdale were probably much lower, so that a vaccary was not necessarily an "upland" farm. In fact, whatever site was provided with abundant water and rich grass would be suitable, and it is noteworthy that in the area under our immediate consideration the cattle farms were placed in the lower and more sheltered parts of the moorland. It is, of course, possible, and even probable, that the upper slopes were pastured in summer, while the herds were brought down nearer the booths in the winter season, a practice which was followed by the herdsmen of North Wales[4] at the same period, and which is still common in the mountain pasture districts of Scandinavia and Switzerland. Occasional entries in the *Compoti* and subsequent records seem to lend support to this view. In 1305 a summer lodge was constructed at Oakenheadwood,[5] a pasture in the hills which later is repeatedly coupled with the vaccary of Constable Lee in the Limy Water valley;

[1] *De Lacy Comp.*, 38, 139. The writer of the Introduction erroneously states that there was an "instaurator" at each vaccary.

[2] *Lancs. Inqs.*, II, 200-1. [3] *Op. cit.*, I, 284.

[4] In Wales the herdsmen migrated with their families to their summer dwellings in the hills and remained there till autumn. These summer pastures are actually called *vaccariæ* in a Latin plea of 1287 (Palmer and Owen, *Ancient Tenures in North Wales*, 78).

[5] At a cost of 10s. 11d. (*De Lacy Comp.*, 87, 167).



ROSSENDALE, 1300-1500 A.D.

and it seems highly probable that the great waste afterwards known as Wolfenden pasture [1] was utilised for summer feeding by the cowkeepers of Wolfenden Booth and the other adjacent vaccaries.

The relative importance of the Rossendale area in connection with the stock-raising industry is brought out in the above table of vaccaries (p. 19); it is emphasised by a comparison of the numbers of cattle kept in the four forests :—

TABLE II.

CATTLE IN THE BLACKBURNSHIRE VACCARIES.

Forest.	Head of Cattle.	
	1296.	1305.
Trawden . .	407	387
Pendle . .	906	848
Rossendale .	876	849
Accrington .	234	313
Totals .	2423 [2]	2397 [2]

In Rossendale in 1296 there were 876 out of the 2423 head of cattle maintained by the earl in the Blackburnshire vaccaries, and in 1305 849 out of 2397—in both years more than one-third of the total number of beasts. If we include the neighbouring Forest of Accrington, which was practically conterminous with Rossendale, this district maintained 1110 in the former year and 1162 in the latter, that is to say, nearly one-half of the earl's stock.

The details supplied by the *De Lacy Compoti* exhibit the management of the vaccaries as part of a large and systematic organisation. Each cowkeeper had under his charge a mixed herd of about 75 or 80 cattle, made up in the following proportions: 37-40 cows, 1 bull, 5-6 steers, 5-6 heifers, 13 yearlings, 14-16 calves. The Accrington establishment in 1296 was an unusually large one, having 234 head. In 1305, however, there were three vaccaries with herds more approaching the average number. It would seem from this that a farm of over 200 head was larger than could be properly managed by a single herdsman, and that it was, in consequence, split up.

[1] In the sixteenth and seventeenth centuries this was a common pasture enjoyed by the tenants of the hamlets which grew out of the ancient vaccaries.

[2] In addition to these numbers reported from the vaccaries, there were in the hands of the chief Instaurator and his assistants 77 beasts in 1296 and 121 in 1305, so that the totals owned by the earl in the two years were respectively 2500 and 2518.

The keeper of the vaccary was responsible for the safe keeping and the proper housing, feeding and pasturing of his herd. He had to render yearly to the Chief Instaurator a detailed account of the stock in his care, showing how many of each kind of cattle he held at the beginning of the year and how many at the end, and giving the reasons for the increase or decrease in each case. All losses due to lax custody had to be made good unless pardoned by the earl. Thus one of the Rossendale keepers, Richard son of Cecilia de Heley, paid a fine of 10s. in 1296 "for 4 calves lost by defect of custody of the same Cecilia"; [1] but the keeper of a vaccary in Pendle was in the same year forgiven by the earl for the loss of a cow stolen by robbers.[2] Neglect to keep cattle properly was also punished by fine. The Compotus for 1295-96 shows a sum of 12d. owing by a herdsman in Pendle "for calves badly kept"; [3] while that for 1304-05 shows a payment of 18d. by a Trawden keeper for a similar offence.[4] Dead animals had to be viewed by a superior official—probably the Instaurator of the Forest—before flaying, so that the cause of death might be ascertained.[5] The flesh and hide were then sold for what they could realise. Payments of tithe on the calves born in a vaccary were discharged by the boothman; and though the sale of live animals did not as a rule come within his province, he evidently had on occasion permission to dispose of individual beasts. The low prices at which these were usually sold suggest that they were got rid of on account of some physical defect. In all probability, the Instaurator, on his periodical visits, condemned those beasts which were too old to be of further use, or not likely to thrive, and gave orders for them to be sold.

The superintendence of the management of the vaccaries would fall in some measure on the Instaurator of the Forest, but the ultimate responsibility for the efficient working of the farms lay with the Chief Instaurator. At the time of the *Compoti* the office was held by Gilbert de la Legh of Hapton, an ancestor of the Towneleys of Towneley, and the remuneration attached to it was £2 per annum.[6] It was his business to inspect the cattle from time to time and to report cases of carelessness and neglect. As mentioned above, he would sort out the weakly and unpromising animals and arrange for their disposal. Upon him, too, devolved the duty of marking the cattle belonging to his lord, a function which receives frequent illustration in the Chief Steward's accounts :—

[1] *De Lacy Comp.*, 32, 135.
[2] *Ibid.*, 25, 131.
[3] *Ibid.*, 28, 133.
[4] *Ibid.*, 70, 158.
[5] *Seneschausie*, printed with *Walter of Henley's Husbandry* (ed. Elizabeth Lamond), by Royal Hist. Soc., 1890.
[6] *De Lacy Comp.*, 40, 140. In 1304-05 the fee of the Instauratois (Gilbert and his assistant John de Paldene) was entered as £3 (*ibid.*, 88, 168); and in 1341-42 the "Wages of Robert de Yolstones, Queen's Instaurator of Blackburnshire, who takes 2d. per day," were given as £3 0s. 10d. (Dy. Lancs. Mins. Accts., Bdle. 1091, No. 6).

" An iron bought for marking cattle . .	2d." [1]
" Expenses of the Seneschal, Constable and Instaurator for views made and colts marked .	4s. o½d." [2]
" Allowed to the Instaurator of the forests for marking cattle and for the wages of his clerks	8s. od." [3]

The upkeep of the vaccaries was also a matter which came within the Chief Instaurator's purview. He had to see that the buildings were kept in repair, and to make provision for the necessary alterations and enlargements and for the erection of new sheds. Both the published *Compoti* reveal expenditure on the repair of vaccaries in Rossendale. As previously stated, a new lodge was built at Oakenheadwood in 1305. This was probably intended as a summer residence for the cowkeeper of Constable Lee and cost 10s. 11d.[4] Small sheds for twinters were erected some years later for a half or one-third of that price,[5] but as a rule the houses for the cattle were more expensive structures. In 1341-42, when the Lacy estates were held by the dowager queen Isabella, there seems to have been a general overhauling of the buildings of the Rossendale vaccaries. Many men were employed in constructing new cowhouses and repairing old ones at Bacup, Rawtenstall, Constable Lee, Goodshaw, Wolfenden and Crawshaw Booth. The Ministers' Accounts of that year are so detailed that we have no difficulty in picturing the labourers at the various operations necessary for completing the work. Separate contracts seem to have been entered into with carpenters in respect of each house to be erected or repaired. The particulars relating to the new shed at Bacup may be quoted as illustrative of the work in progress, and incidentally they will enable us to visualise the size and construction of the buildings in which the animals were housed. The carpenters engaged had to cut timber in the wood for a couple of cross-beams (*pannæ*), each 80 feet long, 14 posts, 7 beams, 32 joists or tie-beams (*copulæ tignorum*), 4 large sills (*sill'*), 160 boards and 1000 laths. These had to be shaped on the spot ready for putting together. The size of the cross-beams as well as the quantity of wood to be hewn makes it evident that the carpenter must have had journeymen to help him. The shaped timbers had then to be carried to the booth. Spikings and iron nails were purchased, and 16 men employed for a day to assist the carpenter in rearing the structure. Meanwhile, another man had been set to work cutting rushes in the wood for the roof, and when these had been collected, bound and brought up, the shed was thatched. For

[1] *De Lacy Comp.*, 40, 140.
[2] *Ibid.*, 15, 126.
[3] *Ibid.*, 40, 140.
[4] *Ibid.*, 87, 167.
[5] One at Loveclough for 3s., another at Newhall for 2s. 6d., and a third at Bacup for 4s. (*Lancs. Inqs.*, II, 199).

his part of the work the carpenter received 28s. The carriage of the timber cost 8s., and the nails and spikings 2s. The 16 men employed to help the carpenter in putting the material together were each paid one penny for their day's work, while the wages of the thatcher amounted to 3s. 8d.[1]

One of the most important functions of the office of the Chief Instaurator was to arrange the distribution of the cattle and their transference from vaccary to vaccary, and from vaccary to farm. An examination of the stock accounts of the various cowkeepers elicits the fact that every year a certain number, varying from two or three to ten, of the cows in each vaccary was delivered to the Instaurator or to an assistant [2] who passed them on to him. A proportion of these, one-third to one-half, was then drafted to other vaccaries and the rest sold. A similar transference, though to a less extent, took place in the cases of the calves and the bulls. As the male beasts reached maturity they were gelded and passed on to special ox-farms.[3] There were apparently two such establishments at Accrington, the larger of which, under the charge of Geoffrey le Parker, received, in 1295-96, 137 oxen from the various cowkeepers of the Hundred.[4] From these farms the oxen, like the cows, were handed over to the Instaurator either directly or through his assistant. Some of them were retained, doubtless for work on the earl's farms, but the majority were sold.[5]

The sale of surplus stock at the neighbouring fairs and markets was another part of the Instaurator's duty, though he was sometimes accompanied in the discharge of it by the earl's Constable. The animals were usually taken to the markets of Bolton and Pontefract. The oxen, being the most useful kind of beast, fetched the highest price, averaging 10s. per head.[6] A cow or a heifer sold for about 7s. The additions to the earl's stock which became necessary from time to time were likewise purchased by the Instaurator ; [7] and all moneys obtained from the sale of the carcases and hides of cattle dead of the

[1] Dy. Lancs. Mins. Accts., Bdle. 1091, No. 6.

[2] Simon le Geldhird, who is styled "Custos Cromii" (*De Lacy Comp.*, 85, 166). "Croin," or "Croym," is said to be in Higham in Pendle Forest (*ibid.*, 40, 140), though the place cannot be identified. But there seems to have been another establishment at Hoddlesden, a detached portion of the Forest of Rossendale, near Darwen, at which the floating stock were also herded (*ibid.*, 39, 139, 140).

[3] In 1295-96 58 oxen were drafted from the Rossendale vaccaries, representing a value to the earl of about £29 ; in 1304-05 47 oxen, worth about £23 10s.

[4] *De Lacy Comp.*, 37, 138.

[5] Of the 317 received by the Instaurator from the Accrington ox-farms in 1304-05, 213 were sold for £105 13s. 2d., 98 being kept for use (*ibid.*, 87, 167).

[6] Accrington, 1304-05 : "An ox sold, 9s." ; "an ox bought, 11s." (*ibid.*, 88, 168 ; 89, 169).

[7] *Ibid.*, 88, 168 : "A bull bought, 6s 8d." *Lancs. Inqs.*, II, 199 : The Instaurator "answers for . . . one bull bought, 12s."

murrain or strangled by wolves, and from livestock sold by the boothmen were received by him.[1]

As has been explained above, the boothmen occupied a position somewhat similar to that of a tenant farmer whose farm is stocked by the landlord. They were not wage-earners, but maintained themselves by the produce of their vaccaries, no doubt growing corn and rearing pigs and poultry on their own account. But the handling of the large stocks under the control of the Instaurator—the collection and distribution of cattle from and to the different vaccaries, the herding of those which were to be sold at the markets—necessitated the employment of a staff of assistant herdsmen and others, some of whom were regularly employed, while others were engaged only as occasion required. In both cases these assistants received allowances for food in addition to wages. Thus, in 1295-96, two herdsmen keeping oxen at Accrington [2] and one keeping cows at Hoddlesden received £2 16s. 1½d. for food and wages ; [3] a fourth, who was paid for " helping them at times," received 5s. 6d.[4] Similarly, in 1304-05, five herdsmen, three of whom were employed for the whole year and two for part, were paid £2 18s. 5d. for food and 9s. for wages.[5] In addition to the men occupied in the handling of the stock there were others, probably ecclesiastics, charged with the keeping of the Instaurator's accounts. These drew wages for their occasional services without allowances.[6]

When we turn from the question of organisation to another aspect of this extensive business, namely, the productivity of the vaccaries, we find, unfortunately, that the data of the *Compoti* are less complete. There are, however, sufficient to throw light on the state of the cattle-rearing industry at that time. The primitive methods of the day are demonstrated by the comparatively low rate of increase of the stock. Judging from the number of calves surviving the year in the Rossendale farms, the annual increase was less than 20 per cent. of the total stock in the Forest, or less than 40 per cent. of the number of cows kept. This means that from the point of view of calf-bearing three out of five cows were unproductive. No doubt the principal reason

[1] *De Lacy Comp', passim ; Lancs. Ings.*, II, 199.

[2] Geoffrey le Parker and William de Antley.

[3] *De Lacy Comp.*, 39, 140. The allowances amounted to £2 8s. 1½d. and the wages to 8s.

[4] *Ibid.*

[5] *Ibid.*, 87, 167. The wage of a man who was engaged in " guarding the calves from the wolf " in 1295-96 was 1s. 2d., but there is no mention of any allowance in the Compotus (pp. 40, 140). In 1341-42 the system of allowances for food seems to have been dropped and the herdsman paid an inclusive wage of 6d. a week (Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6).

[6] The Compotus for 1304-05 shows a sum of 5s. paid in wages to the Instaurator's clerk (pp. 88, 168). In 1341-42 the clerk's remuneration was 3s. 4d. (Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6).

for the limited increase was the ignorance of the herdsmen, which, to say nothing of the absence of scientific methods of breeding, would account for the large number of deaths from murrain [1] recorded in the accounts. In 1295-96 no fewer than 47 calves and 6 cows were lost in this way in the eleven Rossendale vaccaries, an average of five beasts per vaccary ; and in 1304-05 the losses on a smaller total stock were even greater, being 47 calves and 21 cows, or six beasts per vaccary. Ravages by wolves accounted for the further loss of 7 animals in 1295-96 and 8 in 1304-05.

The disposal of the milk from the vaccaries would depend on whether they were let out to boothmen, or were managed for the earl by bailiffs. In the former case, the tenant would doubtless be entitled to whatever milk he could obtain from his cows. This was evidently one of the perquisites of his position, for which in 1296 and 1305 he paid an inclusive rent of about £3. But in 1323-24, when the Clitheroe Honor was in the hand of the king after the execution of Thomas of Lancaster,[2] the vaccaries appear to have been farmed out at a rent "beyond the sustenance of the King's stock," and the cowkeepers to have paid, in addition, a sum of 3s. 4d. for the lactage of each cow.[3] Whatever surplus of milk the boothman had beyond the requirements of his family, he would churn into butter or make into cheese for his own winter use or for sale. On the other hand, where the vaccary remained in the lord's hands, the milk was handed over to the lord's dairy. This practice apparently obtained at Accrington in 1295-96, when there was only one vaccary, though not in 1304-05, when there were three, since in the latter year no revenue from cheese or butter is rendered in the account of the earl's steward. The earlier Compotus records 156 cheeses made at the Accrington grange. From these, 16 were deducted for tithe, leaving 140 weighing 82 stones.[4] In addition, 27½ stones of butter (clear of tithe), were produced. The butter and the cheese together were sold for £2 10s. 2d.[5]

(*d*) *Mining and Smelting in the Forest.*

While the raising of stock was the chief direction in which the resources of the Forest were turned to account, the sale of brushwood

[1] Murrain was probably the general name applied to all kinds of disease from which cattle suffered at that time.

[2] Thomas of Lancaster succeeded to the Clitheroe estates in 1311 in right of his wife, Alice de Lacy, only surviving daughter of Henry, Earl of Lincoln, who died in February of that year.

[3] *Lancs. Ings.*, II, 201 and note. "White (money) of 5 whole vaccaries and 8 'tener' cows in the said forest of Blakeburnshire, put to farm this year, each vaccary containing 18 cows, viz., for each cow, 3s. 4d., £16 6s. 8d. (Another account: Issues of the white of 128 cows put to farm in divers vaccaries within the chase of Blakeburneshire this year, viz., from each cow, 3s. 4d. [for lactage].)"

[4] *De Lacy Comp.*, 3, 119.

[5] *Ibid.*, 1, 118.

by the Steward of the Honor testifies to the intermittent existence of an iron-smelting industry. The word "intermittent" is used because there are indications that the lord's revenue from this source was not regular. For example, "a forge for iron" was "farmed out in Rossendale" in 1295-96,[1] but apparently not in 1304-05. Similarly, in the same year (1295-96), brushwood and ore were "sold to a forge in Accrington for 27 weeks," [2] and "old brushwood" was provided "for a forge in Hoddesdene for 13 weeks," [3] but none again in those places in 1304-05. In the latter year, however, there was a forge in Tottington, to which "firewood" was sold for 16 weeks.[4] The limited periods quoted in each case are to be noted, for they point to the facts that mediæval iron-smelting furnaces were often merely temporary structures and that the smiths who worked them were itinerant. In thinly populated regions there would not be enough work for a permanently established forge, and the wandering smiths would visit neighbouring manors in turn or when required. Their method of smelting was probably identical with that used in Roman times. A hillside facing the prevailing wind was chosen for the hearth, and upon this was piled charcoal and ore in alternate layers. The whole heap was then covered with clay, openings being left at the bottom and the top for purposes of draught.[5] The product, after smelting, was a spongy material from which the slag was easily hammered out, but the process was, of course, too crude to extract all the metal from the ore.

The material smelted was obtained in the neighbourhood. Though the geology of Rossendale does not indicate that there could ever have been any valuable mines in the Forest, it is possible that ore in small quantities may have been dug up. In 1323-24 iron ore was sold in Rossendale by the Master Forester of Blackburnshire;[6] and the entry, "Ore, nothing," in the account for Haslingden manor for 1304-05[7] possibly implies that in previous years Rossendale had furnished raw material for the itinerant metal workers. In any case, ore was easily procurable from the adjacent townships. As stated above, one forge was supplied with iron in Accrington in 1295-96; in 1304-05 another obtained ore in Cliviger,[8] while from evidence given in a suit concerning the theft of 300 pieces of iron and other property

[1] For £3. *De Lacy Comp*., 5, 120.
[2] *Ibid*., 12, 123.
[3] *Ibid*., 7, 121. There was a forge again at Hoddlesden in 1341-42. "Et de liijs. receptis de veteri busca (sicca et prostrata) et minera ferri vendita ibidem pro liij septimanas ad unam forgiam hoc anno in septimanam xijd" (Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6).
[4] "Firewood sold for 1 forge for 16 weeks, £1 16s. 8d." (*De Lacy Comp*., 101, 177).
[5] L. F. Salzman: *Mediæval English Industries*, 27.
[6] "Roscyndale . . . Old brushwood and iron ore (*minera ferri*) sold during 47 weeks, viz., 3s. per week, £7 1s." (*Lancs. Inqs*., II, 199).
[7] *De Lacy Comp*., 100, 176.
[8] *Ibid*., 109, 182.

belonging to Whalley Abbey in 1338, it appears that ore was mined and smelted by the abbot and others near Whitworth.[1]

But this spasmodic industry was apparently of short duration. From the middle of the fourteenth century until the sixteenth evidence of its continuance is wanting. None of the later accounts of the Honor which have been consulted has revealed any profit derived from the sale of brushwood, and the only reference to ore which has been found is the entry of a new rent of 4d. for a mine of ironstone discovered at Accrington in 1500.[2] Even more shortlived was the pursuit of another metal industry begun in the district by the Earl of Lincoln. In 1304-05 there was being carried on at Baxenden a lead mining and smelting enterprise, and, while it lasted, it was of by no means negligible dimensions. Ninety-one loads of ore and over 20,000 pounds of lead were "bought" from the miners in 1304-05 by the receiver of Clitheroe.[3] Exactly what is meant by the word "bought" is not clear, for there is no evidence that the mines were leased. Possibly the miners received a piece-work wage of so much per load of ore extracted and so much per stone of lead smelted, as did the lead diggers of the royal mines at Beer Alston in Devonshire about the same time.[4] Besides the payments made to the men, the costs of the different operations connected with the industry figure in the accounts, so that a slight effort of the imagination enables us to visualise the activities of the tiny colony of lead-workers. Underground trenches were dug to carry off the water from the mine. A plot was enclosed to pile up the ore after it had been excavated. Trees were felled and the wood cut up for the burning of the ore. A new pair of bellows was constructed for the furnace. Scales were made for weighing the lead after smelting; and, finally, a shed was erected for storing it. It would have been interesting to know what was the ultimate destination of the metal and to what use it was put, but unfortunately our

[1] In Rochdale manor, on the south-east border of Rossendale (Fishwick, *History of Lancs.*, 71 n.).

[2] Dy. Lancs. Mins. Accts., Bdle. 78, No. 1534. The remains of four bloomeries, however, which were probably at work in the sixteenth century, have been discovered at Millar Barn, Newchurch, Smithy Croft, Rakehead near Stacksteads, Priest Booth near Bacup, and Cinder Hill near Ramsbottom. The Rakehead smithy was worked by a family of Ashworths, cutlers, who, according to tradition, had migrated from Sheffield. The ore smelted at these bloomeries, it is said, was imported from the Furness district. See the *Transactions of the Lancashire and Cheshire Historic Society*, N.S., XII, 57-70.

[3] *De Lacy Comp.*, 116, 186. The actual entries are:—

"91 loads, 6½ dishes of Ore bought from the miners, 9 dishes make a load, price per load 22d. £8 8 1½

"9½ fothers, 7 pieces, 1 stone of lead bought from the same, of which 6 stone make a piece, and 25 pieces make a fother . . . £13 13 3

[4] See Salzman, *Mediæval English Industries*, 51, where the regulations for the payment of these workers are quoted.

available documents are silent on the point. All that we can learn is that seven cartloads were sent to Bradford and sold for £18 18s.[1] But unless the enterprise proved unprofitable, this fact accounts for the disposal of a part only of the output of 1304-05.

Several items in the expenditure appear to indicate that the Baxenden mine was being worked this year for the first time, and it has been suggested that the operations were an experiment.[2] It is to be regretted that we have no documents relating to the years immediately succeeding 1305 to enable us to ascertain how successful the undertaking was and how long it lasted. It can scarcely have been of long duration, for no other reference to these lead workings has been discovered. For this reason it has been thought that the ore was not mined in Baxenden, but imported from some lead mining district.[3] Apart, however, from the difficulty of finding any adequate reason why this site should be selected for smelting lead ore brought from a distance, the inference is rendered improbable by the fact that a lead mine was worked in Baxenden near the close of the eighteenth century.[4]

At least two attempts were made in later times to revive the lead-mining industry in the neighbourhood, but without success,[5] the deposits of lead being too small and scattered to make the enterprise profitable. A similar scarcity of good ore accounts for the cessation of iron smelting. On the other hand, coal mining and quarrying, which subsequently became quite flourishing industries here, were practically non-existent in what we may term the Forest period of Rossendale history. Though "sea-coals" were sold at Cliviger and in Trawden in 1296[6] and at Colne in 1305,[7] no attempt seems to have been made by the earl's officers to obtain coal in Rossendale. Coal mines were leased in Padiham[8] and in the Forests of Trawden[9] and Pendle[8] during the fifteenth century, but we have to wait till the following century for evidence of coal workings in the most southerly part of the Blackburnshire chases. Stone quarries, however, were opened much earlier. Baxenden is said to derive its name from the

[1] *De Lacy Comp.*, 112, 183; 115, 185; 116, 186.
[2] Fishwick, *Hist. of Lancs.*, 73. [3] *Ibid.*
[4] Mr. Henry Stephenson, late Headmaster of the Haslingden C.E. School, informed the writer that his great-grandfather, Thomas Pearson, worked this mine about 1780, and that he himself had picked up pieces of lead ore near the present Wesleyan School.
[5] One attempt was made in the reign of Charles I (Dy. Lanc. Miscellanea, Bdle. XVII, No. 6: "Papers relating to the Returns to Commissions concerning Lead Mines in Cliviger, 1629-35"), and the other in the middle of the seventeenth century (*Transactions of the Manchester Geological Society*, Vol. XIII, pp. 344-360).
[6] *De Lacy Comp.*, 4, 119; 12, 124. [7] *Ibid.*, 100, 176.
[8] 1450-1, 1458-59 (Dy. Lanc. Mins. Accts., Bdle. 77, Nos. 1509, 1517).
[9] 1422-23 (*Clith. Ct. R.*, I, 490); 1450-51 (Dy. Lanc. Mins. Accts., Bdle. 77, No. 1509).

fact that "bakestones," flat stones or slates used for baking, were obtained in its neighbourhood.[1] The name occurs in the forms "Bakestondene" and "Bakestandene" in the *De Lacy Compoti*, and "bacstones" were sold in Accrington in 1341-42.[2] In the middle of the next century rents were being drawn by the Receiver of the Honor both from the "Baxstondelf" and from a couple of quarries of slate stones in the same manor.[3]

(*e*) *The Transition from a Forest Organisation to a Rent-paying Estate.*

If the temporary activity of the metal industries was due, directly or indirectly, to the initiative of the Earl of Lincoln, much the same might be said of the expansion of the cattle-rearing business. The organisation of both pastoral and industrial life in Rossendale reached a high-water level at the beginning of the fourteenth century. Thereafter the tide of development seems in some respects to have receded. After the death of Henry de Lacy no other lord of Clitheroe displayed the same capacity for estate management; and, indeed, the lordship changed hands too frequently to permit of continuous exploitation to the same marked degree. When the earl died in February, 1311, his lands passed to Thomas, Earl of Lancaster, who had married Lacy's daughter and heiress, Alice. In 1322, the treason and execution of Lancaster for the part he had taken in the baronial revolt against the Despensers transferred the ownership of the Honor to the king. On the accession of Edward III five years later, a third change took place. By a resolution of Parliament the dower of the young king's mother, Isabella, was substantially increased as a reward for her services in negotiating a peace with France and in crushing the late king's favourites, and the Castle of Clitheroe, with the hamlets and free chases belonging to it, were amongst the estates granted to her.[4] A further transfer of these possessions was made in 1348. They were resumed by Edward III in exchange for an annuity of £600, and once more attached to the earldom of Lancaster, now held by Henry, nephew of the late earl, whose attainder had been reversed at the beginning of the reign.[5]

These changes in ownership could not be without their effect on the economic development of the Blackburnshire forests. In the first place, there are indications that the stock maintained on the vaccaries was greatly reduced, although for some time the number of

[1] E. Ekwall, *Place-Names of Lancashire.*
[2] Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6.
[3] *Ibid.*, Bdle. 76, No. 1500 (1439-40); Bdle. 77, Nos. 1509 (1450-51), 1517 1458-59), and later accounts.
[4] *C.P.R.*, 1327-30, pp. 66-69, 135.
[5] *Ibid.*, 1348-50, p. 217.

cattle-farms remained the same.[1] An inquest into the possessions of Thomas of Lancaster was ordered after his execution, and the account rendered by the Instaurator of Blackburnshire—though the same person as had held that office under Henry de Lacy—for the year 1323-24 shows that he was then handling much smaller herds of cattle than twenty years previously. For some reason or other details are given of only twelve of the vaccaries. Of these ten were in Rossendale, the others being in Pendle and Accrington. The total number of beasts remaining in the twelve farms at Michaelmas, 1324, was only 415, an average of less than 35 per vaccary.[2]

Secondly, the new owners gradually abandoned their personal interest in the cattle-raising industry. They let the vaccaries to farm and contented themselves with drawing the rents. In 1342 Baxenden, Gambleside, Tunstead, Newhall and Antley were let out, and of the other eleven Rossendale and Accrington vaccaries four had previously been rented by tenants.[3] By the end of the century the lord of Clitheroe (then the Duke of Lancaster) had entirely withdrawn from the management of the cattle farms.[4]

At first these establishments were probably let on a yearly tenancy, for statements in the Ministers' Accounts show that in some cases the rents varied from year to year; but there can be little doubt that during the fifteenth century the custom of leasing the farms became general.[5] For example, in 1427 the vaccary of Bacup together with "a certain pasture called New Hall Hey" was leased by the king for ten years to John Booth of Barton, Esq.,[6] and, according to a well-known historian of Lancashire, Deadwinclough vaccary was leased to one James de Greenhalgh about the same time.[7] In 1459 the whole of the vaccaries, along with certain other portions of the Rossendale area, were granted on lease for a term of seven years. Fifteen allotments were demised to one man, William Leyland,

[1] As a matter of fact, the number of establishments in Rossendale and Accrington for the *breeding* of cattle seems to have increased to sixteen by 1323, Baxenden and Hoddlesden, which in 1296 had been collecting farms for oxen and cows respectively, being now conducted as ordinary vaccaries like the rest (*Lancs. Inqs.*, II, 200-1).

[2] The summary of the details is as follows: 12 bulls, 221 cows, 4 heifers, 1 ox, 99 twinters, 78 calves (*ibid.*, p. 198).

[3] *Viz.*, Rawtenstall, Deadwinclough, Crawshawbooth and Cowhouses (Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6).

[4] Dy. Lanc. Auditors' Accts., Bdle. 728, No. 11987, printed by W. Farrer, *Clith. Ct. R.*, I, 488-90: "Issu de lactage des vaches rienz cest an a cause q' nulles vacheries illeoqes."

[5] The herbage of the "Chase of Hoddesdene" with the lodge and meadow was let to Robert de Holden in 1322 for three years at a yearly rent of 24s. (*Lancs. Inqs.*, II, 144).

[6] Baines, *Lancs.*, II, 48, quoting Townley MS., g. 17. [7] *Ibid.*, II, 46.

the Deputy Steward of the earl, who in all probability sublet them.[1]

The conversion of the stock-farms managed by manorial bailiffs to leasehold property rented by farmers working on their own account is significant of a change that was completely transforming the economy of the Forest area. It is indicative of the gradual withdrawal of the waste from a forest organisation and its more complete utilisation for pastoral and agricultural purposes. We can see the same development being worked out in the case of Musbury Park. Some time between 1355 and 1361 the herbage of this enclosure was leased to the parker, Thomas de Brounlowe, for eight years.[2] A further lease of the herbage was granted to James de Radclyffe in 1385 for ten years,[3] and throughout the fifteenth century there followed a series of similar grants for terms varying from ten to twenty years.[4] That the original purpose of the enclosure had by this time become obsolete is clear from a decree issued in 1480 " that no fees nor wages are to be paid to any officer of Musbury Parke, as by Act of Parliament no fees nor wages shall be paid for any office as nedeth nat dayly exercise, and that also in our said parke there is no game to kepe." [5] If that portion of the Forest which had been specially set aside for the preservation of the beasts of the chase was being utilised for profit, we may legitimately conclude that the Forest as a whole was no longer being regarded as a hunting ground.

The change is reflected in the Ministers' Accounts, as will be apparent from the following summary :—

TABLE III.[6]

BALANCE OF RECEIPTS OVER EXPENDITURE PAID BY THE MASTER FORESTER TO THE RECEIVER OF CLITHEROE.

	s.	*d.*
2-3 Hen. VI. (1423-24)	21	9
3-4 ,, (1424-25)	40	8
13-14 ,, (1434-35)	2	7
18-19 ,, (1439-40)	0	10

[1] Whitaker, *Whalley*, I, 359-60. Newhallhey, Deadwinclough and Hoddlesden were apparently not let to Leyland. Hoddlesden was leased for £6 13s. 4d. to James Ratcliffe of Ratcliffe, who in 1462 seems to have had another lease for sixteen years at the same rent (*ibid.*, p. 316).

[2] Calendar of the County Palatine Chancery Rolls (*Thirty-second Report of the Deputy Keeper*, App. I, 335).

[3] Dy. Lanc. Cal. of Pat. R. (*Fortieth Report of the Deputy Keeper*, App. IV, 524).

[4] In 1415 a lease for 20 years, in 1447 one for 12 years, in 1462 one for 16 years, in 1467 one for 20 years, and in 1469 another for 20 years which was renewed for a like term (*ibid.*, 539; Whitaker, *Whalley*, I, 316 n.). The New Laund of Accrington was also let out in the same way (*ibid.*, I, 360).

[5] *Ibid.*, I, 316 n. The decree, however, must have been inoperative, for subsequent accounts show that wages were still paid to the parker as to other forest officers.

[6] This table has been compiled from particulars obtained from Dy. Lanc. Mins. Accts. at the Public Record Office and from figures given by Whitaker, *Whalley*, I, 355.

TABLE III. (*cont.*).

BALANCE OF EXPENDITURE OVER RECEIPTS DRAWN BY THE MASTER FORESTER FROM THE RECEIVER OF CLITHEROE.

	s.	*d*
29-30 Hen. VI (1450-51)	53	7
31-34 (*sic*) Hen. VI (1452-53 ?)	31	0
36-37 Hen. VI (1457-58)	67	11
37-38 ,, (1458-59)	76	1
3-4 Edw. IV (1463-64)	41	11
11-12 ,, (1471-72)	64	6
1-2 Ric. III (1483-84)	100	10
16-16 Hen. VII (1500-01)	91	10

During the first half of the fifteenth century the receipts of the Master Forester of Blackburnshire diminished until his expenses outbalanced them, and throughout the rest of the century there was a fluctuating deficit which had to be met by drafts upon the "non-forest" issues of the Honor. The adverse balance—which is to be explained chiefly by the retention of many of the forest officials after the necessity for them had ceased to exist—does not connote a diminishing revenue from the forest lands. On the contrary, the total income of the lords of Clitheroe from these "waste" parts of their domain was steadily increasing, and the loss in the Master Forester's accounts was being more than compensated by the receipt of rents, with which the Forest officers as such had nothing to do.[1] The fact is that the moorland was slowly being settled by rent-paying tenants, whose livelihood was gained mainly by the rearing of stock. Not only had the vaccaries passed under a new form of tenure, but those lands from which the foresters had previously collected herbage and agistment fees were also being let to farm. The pastures of Primrosesyke, Ogden and Musden, Alden and Cowpe Head were all yielding rent instead of grazing dues in 1341-42.[2] In the same year a new pasture was enclosed at Fernhalgh for the tenants of Huncoat at a rent of 6s. 8d., and an examination of the rolls from which the information relating to the leases of the vaccaries and the park is extracted shows that the process of "approvement" from the waste had been continued. In the first place, certain pastures had been marked out, if not enclosed, and attached to one or other of the vaccaries—Oakenheadwood to Constable Lee, Horlaw Head to Bacup Booth, and "Settynges and Soclogh" (Sedges and Sowclough) to Tunstead. Secondly, Henheads

[1] Thus we are told that in 1458-59 the Master Forester "does not answer for rents and farms of the herbage of Penhull, Rossendale and Trowden . . . because the farmers and approvers of the aforesaid herbage answer therefor in their account by themselves" (Dy. Lanc. Mins. Accts., Bdle. 77, No. 1517). A century before this time the Duke of Lancaster had appointed an "approver of the parts of Blackburnshire" (Calendar of County Palatine Chancery Rolls. *Thirty-second Report of the Deputy Keeper*, App. I, 332).

[2] Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6.

and Friarhill, which subsequently figured prominently as a common grazing ground of the settlements which grew out of the old vaccaries, had evidently been rented before 1451, for in that year the collector of the farms of Blackburnshire was reimbursed for the " decay of rent of a parcel of land called henehades and frerehull " for which he had been charged at the rate of 6s. 8d. for the three preceding years.[1]

The names quoted above are interesting as indicating which parts of the Forest were being selected for the extension of productive settlement. Yet they by no means include all the improvements that were made from the waste during the fourteenth and fifteenth centuries. Nothing, so far, has been said of those additions to the cultivated area by way of intakes and encroachments on the part of tenants and others which must surely have been appreciable. The enclosure of small parcels was going on in the Earl of Lincoln's time, as the *Compoti* testify. For instance, the rent of " 5 acres of waste lately let " in Accrington was registered in 1296,[2] and 3 acres were improved in Haslingden in 1305.[3] Fines for entry into waste were also exacted in the Halmote Courts in 1323 and 1324.[4] With what regularity this method of extending cultivation was continued cannot be ascertained, owing to the loss of the court rolls for the locality prior to 1495,[5] but the entries of " new rents " from time to time in the Ministers' Accounts are witness to a progressive, if slow, expansion. In 1341 Adam, son of Henry Grimeshagh, paid a rent of 4s. 8d. for 14 acres of waste taken in Hoddlesden Chase, while Gilbert de Cokerdley enclosed 4 acres and paid 1s. 4d.; Richard de Radeclife rendered 8s. for 24 acres in the chase of Accrington, and other approvements in the manor brought in 6s. 10½d. more.[6] The roll for 1439-40 records twelve or thirteen enclosures in Accrington, Haslingden and Rossendale ranging in area from half a rood to 12½ acres,[7] and the piecemeal appropriation of the waste thus evidenced receives further illustration in the later accounts.

3. The Vills of Haslingden and Accrington.

Most of these enclosures of small parcels were in or near the vills of Haslingden and Accrington, to the growth of which we must now turn our attention. It has been established that the former had a definitely settled community before the middle of the thirteenth century, though our knowledge of its condition is limited to what we

[1] Dy. Lanc. Mins. Accts., Bdle. 89, No. 1641. [2] *De Lacy Comp.*, 11, 123.
[3] *Ibid.*, 100, 176. [4] *Lancs. Court Rolls*, 6, 7, 11, 36.
[5] The only court rolls of the Honor of Clitheroe extant before this date were those for 1323-24 and 1425.
[6] Dy. Lanc. Mins. Accts., Bdle. 1091, No. 6. [7] *Ibid.*, Bdle. 89, No. 1634.

can infer from the revenue derived from it. With the progress of time our information becomes more definite. When the Earl of Lincoln died in 1311, there was held, in accordance with feudal custom, an inquisition *post mortem* of his possessions. The circumstance of his only heir being a daughter, on whose death without male issue the earl's estates would revert to the Crown, was responsible for the inquiry being carried out in far greater detail and with much greater care than was usual ;[1] hence the record of this investigation forms a valuable supplement to the *De Lacy Compoti*, and enables us to gauge fairly accurately the measure of development to which Haslingden had attained at the beginning of the fourteenth century. From it we learn that there were three classes of inhabitants. The first class consisted of three free tenants, two of whom held between them 100 acres of land.[2] Then there were 183½ acres " demised to divers tenants at will " who paid for their holdings a rent of fourpence an acre.[3] Lastly, there were a number of villeins who rendered recognisances to the value of 3s. 4d.[4]

The three free tenancies were Ewood, situated near the junction of the Ogden and the Irwell, and Holden and Broad Holden in the Ogden valley. Two of these certainly, and the third probably, had been in existence for at least forty years. One Hugh de Tewode (Ewood) is mentioned in an inquisition of 1269 as having let to a Robert de Haslingden a messuage and 16 acres of land at a rent of 12d. per annum,[5] while three years later Henry de Lacy granted certain lands in Haslingden to Adam, son of Robert de Holden.[6] The name " Broad Holden " is not met with before 1527,[7] but it has been surmised that this estate originated in a gift of 1304 " by Henry de Lacy to Robert de Holden of all the lands in the vill of Haslingden which had belonged to Robert, son of Gilbert de Holden, at 9s. 1d. rent." [8]

Ewood, in 1311, was held by Robert de Holand by a rent of 5s. Holden was an estate of 60 acres and was apparently still held by the above-mentioned Adam for 2s. yearly. These rents were obviously nominal, and they prompt the conjecture that the two estates had been granted at a very early period to men who were willing to act as pioneers in this bleak and sequestered neighbourhood. The later creation of Broad Holden, however, coming at a time when the township had already developed an economic value, was let at what was

[1] *Three Lancs. Docs.*, p. xi.
[2] *Lancs. Inqs.*, II, 9. The acreage of the third estate is not given.
[3] *Ibid.* [4] *Ibid.*, 32. [5] *Ibid.*, I, 235.
[6] Whitaker, *Whalley*, II, 301 ; Raines MSS., XIV, 54.
[7] In 1527 John Hergreves of Brodholden was elected greave of Haslingden (Farrer, *Clith. Ct. R.*, III, 56).
[8] *V.C.H. Lancs.*, VI, 430, quoting Whitaker, *Whalley*, II, 301.

at that time the customary rent of 4d. per acre, for its 40 acres yielded to the lord a revenue of 13s. 1½d.[1]

The origin of the other vill is as obscure as that of Haslingden. Whitaker includes Accrington in the list of manors in Whalley parish which he thinks were in existence at the time of the Domesday Survey,[2] but the earliest documentary mention of the place is the grant of Accrington along with Altham, Clayton and a moiety of Billington by the first Henry de Lacy (*d.* 1177) to a sub-tenant for half a knight's fee.[3] By 1193 it definitely appears as a colony of settlers in a deed of Henry's son, Robert, who bestowed it upon the Abbey of Kirkstall.[4] The monks built a grange there, dispossessing some of the residents for the purpose—a procedure which resulted in a riot in which the farm was burnt to the ground and the three lay brothers in charge of it were murdered. The refractory inhabitants were punished and the grange was rebuilt, and Accrington continued to be a monastic possession till 1287, when it was restored to the Lacys. It would seem that the area then under cultivation, exclusive of the grange and the vaccaries, was somewhat less than that which was held by the inhabitants of Haslingden. According to the Inquisition of 1311, there were no free tenants in this northern vill: the land was occupied by tenants at will and villeins, the former of whom paid a rent of 35s. 6½d. for 106½ acres, while the latter rendered recognisances to the amount of 3s. In addition, there were 30 acres of land in demesne which was said to be worth 10s. a year, but whether it was then let is not clear.[5]

Unfortunately our records do not enlighten us as to the size or nature of the villein holdings in these two townships. The use of the term "recognisances" possibly implies that whatever labour services they had originally been obliged to render had by this time been commuted. The tenants at will were doubtless the occupiers of the improved parcels of the waste. They may, in some cases, have been drawn from a servile class; such a change of status certainly did take place in other parts of the Lacy fee,[6] where villeins had purchased their freedom and established themselves as independent cultivators. As, however, the number of villeins in Haslingden and Accrington is likely to have been small, it is probable that some of the tenancies at will were taken up by manumitted *nativi* from other manors who had migrated into the district. But, if the composition of the class of tenants at will here was analogous to that of the same

[1] *Lancs. Inqs.*, II, 10.

[2] See above, p. 2.

[3] *V.C.H., Lancs.*, VI, 411; Whitaker, *Whalley*, II, 265.

[4] *Thoresby Misc.*, 184; *Kirkstall Coucher*, 196. A translation of the deed is given in Baines, *Lancs.*, II., 55. Accrington had apparently come back into the Lacy hands.

[5] *Lancs. Inqs.*, II, 8.

[6] *Ibid.*, 5-7. See the interesting comparison drawn between the *nativi* of Lancashire and the villeins of other parts of the country by the writer of the economic section of the *V.C.H. Lancs.*, II, 277-8.

class in other parts of Lancashire, it included also individuals of a non-servile origin.[1]

It is to this class, however it was constituted, that the main credit for the cultivation and development of Haslingden and Accrington during the fourteenth and fifteenth centuries belongs. The expansion is clearly brought out by a comparison of the rents received by the lord from these settlements at different times. The subjoined table, compiled from different sources, while not pretending to complete accuracy, gives the amounts paid annually for lands held in private tenancy. So far as can be ensured, rents of corn mills, payments for herbage and the like, are not included. The lists, therefore, exhibit the progressive increase of revenue derived from the occupied lands, and inasmuch as the rents of individual holdings at this period were stationary and not subject to being raised in accordance with the rise in economic value of the soil, the figures given are corroborative of what has already been said as to the continuance of piecemeal enclosure.

TABLE IV.

A. Rents of Haslingden, 1241-1451.

		£	s.	d.
1241.	Haslingden with the appurtenant	3	15	5
1296.	Rent of Haslingden	3	6	5½
1305.	1305 Rents of Haslingden with the addition of the preceding year, £4 6s. 8½d.; 3 ac. approved, 1s.	4	7	8½
1311.	Rents of tenants at will £3 1 1			
	Rents of free tenants 1 0 1½			
	Recognisances of villeins 0 3 4			
		4	4	6½
1324.	Rents and farms of Haslingden, with the increase of the preceding year, £6 3s. 10½d.; tenement of Robert de Holand, 15s.; less 1s. 8d. for decay of farms	6	17	2½
1342.	Rent and farm of vill of Haslingden, £7 2s. 3d.; 13½ ac. of waste newly improved, 4s. 8d.; less decay of rents, 8d.	7	6	3
1440.	Rents and farms with new rents	9	4	4½
1451.	,, ,, ,,	9	7	4½

B. Rents of Accrington, 1296-1451.

		£	s.	d.
1296.	Rents of lands let in Accrington	£2	8	2
1305.	,, ,, ,,	4	3	5¾
1324.	Rent and farm of Accrington with the increase of last year, £3 10s. 9¾d.; the demesne let to farm, £1 4s. 6d.	4	15	3¾
1342.	Rents and farms, with the new rent, £7 0s. 1d.; Decays of rent, 15s. 4d.	6	4	9
1440.	Rents and farms £11 12 0			
	New rents 0 12 2			
		12	4	2
1451.	Rents and farms with new rent	12	9	9½

Much as the extant records tell us about the opening up of the Rossendale moorland, there are yet many things we should like to

[1] *V.C.H. Lancs.*, II, 280.

know about the condition and life of its mediæval inhabitants. What, for example, was the method by which the villein holdings were cultivated? Were they divided into strips and tilled in common as the villein tenements of most English manors? Was there a one-field, a two-field, or a three-field system? Or were all the holdings—those of villeins as well as those of the free tenants and the tenants at will—made up of separate closes? And what was the produce raised upon the occupied lands? Were these chiefly arable or chiefly pasture? Did the inhabitants grow wheat or only the hardier grains? On most of these questions the documents afford no clear guidance. We have no positive evidence of a communal agriculture, nor have we sufficient data to judge how at this early period the land of a holding was apportioned between pastoral and arable uses. We can only guess at the truth by inference from our knowledge of the climate and physical features of the district, and by reference to similarly situated localities elsewhere. If open arable fields existed, they must have been small, partly because of the small number of villein tenants, and partly because the nature of the surface and the soil would not allow the laying down of large fields for tillage;[1] and in their arrangement and mode of cultivation they would conform rather to the type of the Celtic runrig than to the two- or three-field system of the midlands.[2] Further, it is highly probable that most of the land reclaimed from the waste was used for grazing, owing to the unsuitability of the climate and the soil for the raising of crops. At the present time, when cheap grain can be obtained from other sources, scarcely an acre of land in the whole Rossendale area is devoted to the production of cereals. Oats are occasionally grown, but almost invariably cut in the green state and used for fodder. But in the Middle Ages every manor and township was practically compelled, owing to difficulties of transport, to be self-supporting, and even in the bleakest settlements small plots must have been ploughed for the cultivation of the hardier kinds of grain. In such places as the western flanks of the Pennine uplands the area tilled would be the minimum required for the subsistence of the inhabitants.

It is significant in this connection that the term "arable" is seldom to be found in the mediæval records as a description of land in the Rossendale district. In the *De Lacy Compoti* it occurs once only, to characterise a plot of land let at Antley in Accrington;[3] though the expenses of the grange in the same township include the payment of wages for the various operations involved in the growing and harvesting

[1] *Cf.* the manors of the ancient demesne of the Peak of Derbyshire, where the geographical features are similar to those of Rossendale (F. M. Stenton, *Types of Manorial Structure in the Northern Danelaw*, pp. 72 *et seq.*). The question of the existence of open arable fields in this district is further discussed in Chap. IV, pp. 100-3.

[2] Gray, *English Field Systems*, 203. 243-9.

[3] *Op. cit.*, 108, 181.

of oats.[1] But with respect to Haslingden, no mention of plough land is to be discovered, and the only indication of the cultivation of corn in this vill, as in the Forest of Rossendale, is the indirect evidence of the corn mill. According to manorial custom, all corn grown in a manor had to be brought to the lord's mill to be ground; hence the regular production of corn by the tenants of Haslingden and Rossendale is to be inferred from the yearly rent which the water corn-mill of Haslingden brought in to the earl.[2] Whether wheat was cultivated it is impossible to say. No reference to that cereal occurs in the accounts relating to the district, unless the item, "Reaping corn, 6d.," in the statement of expenditure at Accrington in 1295-96 refers to wheat. Probably oats and rye were the only grain crops grown and oaten bread formed the staple food of the humbler part of the population.[3] In Accrington, oats were produced in sufficient quantities not only to maintain the residents in the manor, but also to add to the earl's income.[4]

In this account of the history of Rossendale in the Middle Ages the reader may have discerned three distinct stages. In the first, which comes down to the middle of the thirteenth century, he has seen the district as an almost unbroken expanse of waste land, with a monastic lodge in the south-east corner, and a couple of small groups of habitations in the west. Except for the subsistence which it afforded to these settlements, the Forest was of value chiefly because of the sport it provided for its owners. In the second stage, which lasted for about a hundred years, a remarkable if temporary expansion took place. While the lord's interest in the chase was not diminished, as the enclosure of the deer park proves, the natural resources of the Forest were turned to financial account. The herbage was utilised for the breeding of considerable herds of cattle, both of the lord and of his tenants, the mineral deposits were tapped, and the brushwood was used for the smelting of ore; with the result that the bleak moorlands of Rossendale played no inconspicuous part in the agrarian economy of the Clitheroe estates. To the enterprise which gave rise to this activity the growth of Accrington vill was most probably due, while the neighbouring township of Haslingden shared in the resultant prosperity. The district had become more than a mere hunting ground, and its scattered farms were to prove the nuclei of permanent settlements. To some extent this development may be regarded as

[1] *Op. cit.*, 2, 118; 89-90, 168-9.

[2] In 1296 and 1305 the rent of the mill was 13s. 4d. (*ibid.*, 4, 119; 100, 176).

[3] In a pleading in the Duchy Court concerning the Holden and Ewood Mills (of Haslingden) it was stated that "the greatest parte of Corne and graine spent and used within the said Mannor of Accrington and ground at the said Milne consistith of Oates" (Dy. Lanc. Pldgs., Mich. 17 Car. I, 1641, Bdle. 368.

[4] From the grange or home farm 37 qrs. 3 bus. were sold in 1295-96 (*De Lacy Comp.*, 3, 119), and 25 qrs. 4½ bus. in 1304-05 (*ibid.*, 88, 170).

connected with the economic advance which was characteristic of Lancashire as a whole in the thirteenth century, though its most pronounced manifestation was doubtless due to the initiative of an enlightened lord of the manor. The third stage, extending from about the middle of the fourteenth century to the end of the fifteenth, was marked by the decline of the undertakings set on foot by the Lacys and saw the conversion of the cattle farms managed by manorial bailiffs into leasehold property. Apparently it was a period of stagnation, but in reality it was a time of transition, paving the way for the fuller occupation of the waste, and its gradual transformation into a district enclosed and partitioned amongst an ever-growing colony of small farmers.

CHAPTER II.

THE ENCLOSURES OF THE SIXTEENTH AND EARLY SEVENTEENTH CENTURIES.

The traveller who journeys at the present day along the main and tributary valleys of Rossendale is struck by the almost continuous succession of grimy cottages, shops and factories which line his route on either hand; and rising behind them he sees the slopes of the hills everywhere dissected by stone walls and quickset hedges. The scene is a striking contrast to what must have been the appearance of the Forest four hundred years ago. Then the greater part of the moorland was open, and only at wide intervals would a few tiny clusters of rude wooden huts appear, surrounded by their closes and marking the settlements which for the most part had their origin in the Earl of Lincoln's vaccaries. During the sixteenth and seventeenth centuries much of the open country was gradually enclosed, and little by little the hamlets grew until they formed an irregular arrangement of townships—the sporadic nuclei of the present manufacturing towns of Bacup, Rawtenstall and Haslingden.

Since the accession of Henry IV the Honor of Clitheroe had again been in the hands of the Crown, and it is primarily due to the action of Henry VII that the way was opened to a fuller settlement of the forest lands. The Tudor policy of encouraging the growth of the yeoman class as a counterpoise to the nobility may have been one motive for the facilities which were offered for acquiring holdings, but a more probable reason is to be found in the fact that the uncultivated wastes of the royal demesnes offered a ready means of increasing the Crown revenues. The Tudors and the early Stuarts not only kept a sharp eye on the income from holdings already let, but they were eager to take advantage of the rise in the value of land which the lapse of time had occasioned and to increase their revenues both by raising the rents of old and by creating new tenancies. In this district we find both expedients in operation, with the result that what was of personal advantage to the Crown enhanced also the economic value of the Forest.

In 1505 an order was issued from the Court of the Duchy of Lancaster at Westminster giving authority to the king's chief officers and farmers to distrain tenants for rents which had been demanded and not paid.[1] This was followed in the next year by a letter addressed to the " Steward of Blackburnshire, Rossendale and Accrington," and intended to facilitate and make secure grants from the demesne lands of the Honor. After reciting that the stewards and their deputies had let lands and tenements by copy of court roll without authority, and that some of the tenants had been disseised of their holdings on that account, the missive authorises the steward to make leases by copy " as well of the demesne lands as of the customary holds " for twelve years, provided that they do not exceed in value forty shillings a year.[2] Even clearer testimony to the alertness of Henry VII to the productive possibilities of the waste lands is supplied by the commission [3] which he issued in 1507 for a thorough survey of all the " honurs, castelles, and lordshippes " belonging to the Crown within the County Palatine, with a view to improving the same " for our most singler profite and auvantage." The commissioners were directed to grant copyhold " leases " of such lands as could be let according to the custom of the various manors.[4] The forests of Blackburnshire were, of course, included in the scope of this survey, and its effect upon the development of Rossendale was so momentous that we must pause to examine in some detail the report which the commissioners rendered of their labours in this locality.[5]

Almost all the holdings which we have seen to be occupied in the Forest were revalued and relet at increased rents, while one or two other parcels of which no previous mention has been traced also appear in the commissioners' return. The various plots named may be classified under three heads. The largest class comprised the sixteen vaccaries—eleven in Rossendale, three in Accrington, one in Baxenden and one in Hoddlesden. Next were the pasture lands of Oakenhead Wood, Cowpe and Wolf Close, Primrose Field (or Syke), Overlynch (Lench) and Hall Carr, Rockcliffe Wood, New Laund, Henheads and Wolfenden ; and lastly there was the park of Musbury.

The most noteworthy feature in connection with the reletting of the vaccaries was that they were not now granted entire as hitherto, but were nearly all divided into two or more lots occupied by separate

[1] Dy. Lanc. Records, Class XII, No. 1, fol. 57 (20 Hen. VII), printed by W. Farrer, *Clith. Ct. R.*, I, 484.

[2] *Ibid.*, fol. 61 *dorso* (21 Hen. VII) ; *Clith. Ct. R.*, I, 484-5.

[3] The tenor of the commission is recited in a decree directing the Steward of Blackburnshire to admit the grantees to their new copyhold estates. See *Clith. Ct. R.*, I, 235-6.

[4] The nature of the tenures created in Rossendale by this commission is discussed below, Chap. V, pp. 145-7.

[5] The survey of the Forests or Chases of Blackburnshire is printed in full as an appendix to *Clith. Ct. R.*, II, 373-7.

tenants. Only two remained intact, namely, Hoddlesden and Antley. Gambleside and Loveclough were each split up into two farms, Crawshaw Booth and Baxenden into three, while all the rest were partitioned into four holdings each. A similar division took place in the case of the pasture lands, with the exception of New Laund, Henheads and Wolfenden. New Laund had been let for the agistment of a fixed number of cattle at eight marks a year. The agister who had been entrusted with the supervision of the pasture now became the copyhold tenant at an improved rent of ten marks. Henheads and Wolfenden remained common pastures. The former (" Overhaddes and Frerehill, othyrwise called the Henneheedes ") was reported to be held in common by " all the Kynges tenauntes and farmours in hys forest of Rossendale " at a yearly rent of 13s. 4d. It was now let to farm to the same tenants at 26s. 8d. Wolfenden was described as a " grete large wast ground in the myddes of the seyd Forest of Rossyndale " which " was never arrentid ne set to no certen ferme but hath bene reservid for socour of dere and to Releve all the kynges tenauntes in the seyd Forest as a common amonge them." For the use of this pasture the copyholders of Rossendale were now required to pay the large sum of £13 6s. 8d.

Musbury Park, as has been shown in the previous chapter, had for a long time ceased to be reserved solely for the use of the deer. The commissioners described it as a " wast ground . . . whych was sometyme a park in dede and now the closure is downe and is laid to pasture savyng the dere of the foreste of Rossindale hath recorse therin." Out of it were carved eight parcels of 60 acres each at a uniform rent of 33s. 4d., every parcel including 20 acres of the best land, 20 of the " myddyl " sort and 20 of the worst.

Summing up the changes brought about by this commission, we find that the number of holdings in the Rossendale area was increased, as it were by a stroke of the pen, to no less than 72, which were let to 68 separate tenants, while the revenue of the king from the " approved " tenures was raised from £105 11s. 4d. to £170 6s. 0d. per annum. The distribution of the parcels with the increase in rents is shown in the table given on opposite page.

It will be noticed that the survey takes no account of the vill of Haslingden, which was really outside its scope. Its object was the improvement of the forest or waste lands, and the figures given above demonstrate that an important step had been taken in that direction. The succeeding years were to show that this was only a beginning—that there was still a great deal of land which might be turned to profitable use, and that the desolate moorlands of Rossendale were capable of maintaining quite a considerable population.

Before proceeding, however, to describe the process by which the unoccupied land was enclosed, we may compare with the survey just

analysed the rent rolls of the Honor of Clitheroe for the years 1527, 1539 and 1540. These show little change in the amounts paid to the king for the lands in Rossendale. Indeed, if we had to rely on them for our information as to the new enclosures, we should be led to believe that only two plots had been improved from the waste in the course of thirty years, whereas there is no doubt, as will appear presently, that many more than these had been taken into private ownership. But the rentals supplement our knowledge with regard to those portions which were used as common grazing grounds. In 1507 only two parts of the Forest were described as common pastures ; by 1527 there were four. Of the earlier commons, Henheads and Friarhill, which had been

TABLE V.

SETTLEMENT OF THE ROSSENDALE DISTRICT BY THE COMMISSION OF 1507.

District.	No. of Parcels.	No. of Tenants.	Old Rents.[1]	New Rents.
Rossendale Forest proper .	52	48	£60 17 0	£107 12 8
Musbury Park . . .	8	8	9 1 0	13 0 0
Hoddlesden . . .	1	1	6 13 4	10 0 0
Accrington . . .	8 (?)	8 (?)	24 0 0	33 13 4
Baxenden	3	3	5 0 0	6 0 0
Totals . .	72	68	£105 11 4	£170 6 0

counted as one, were, in the later years, described as separate pastures. Henheads, the larger, was shared by the tenants of Rossendale and Accrington,[2] who, according to the rental of 1540, contributed to the rent of £1 in the proportion of two to one.[3] How the several contributions of the tenants were collected is not stated,[4] but in the case of Friarhill, which was reserved to the use of the Rossendale tenants, the rent of 6s. 8d. was paid to the king's steward by one Nicholas Rishton, who was evidently responsible for its recovery.[5] For the payments in respect of "Wolfenden Land" the tenants of Crawshaw Booth were made the "pledges and collectors."[6] In addition to these areas two other portions, already known as pastures, in 1527

[1] In many cases the old rents are not stated in the survey of 1507, but where they are missing they have been inserted from the rental of 1463-64 given in Whitaker, *op. cit.*, I, 359-61.

[2] *Clith. Ct. R.*, III, 406.

[3] *Ibid.*, 415 n.

[4] At a later date a definite proportion of the rent was rendered by each vaccary having rights upon the Henheads common. See Chap. III, p 106.

[5] *Clith. Ct. R.*, III, 406, 415 n. In 1562 this pasture was surrendered to Geoffrey, son of Nicholas Rishton, with the consent of the tenants. *Ibid.*, 227 ; see below, p. 55.

[6] *Clith. Ct. R.*, III, 414-5.

definitely appear as common lands. Sedges and Sowclough was appropriated to the tenants of Tunstead vaccary, who rendered for it the sum of 5s. 4d. in shares proportional to the rents of their holdings.[1] The other common was Alden which, though in the Rossendale area and grouped in the receipts for Rossendale, was set aside for the use of the copyholders of Tottington. These, through their greave, paid a rent of 16s.[2]

The two additions to the parcels in several ownership of 1507 were Banaster Holme and Balladen. The former is grouped with Over and Nether Balshaw, which had been improved in the reign of Henry VI, and was probably in the same neighbourhood, but the earliest date at which it is mentioned is 1527. Balladen was evidently improved soon after the commission of 1507, for the court rolls record that in 1523 the property had reverted to the king because a John Rothwell, to whom it had been surrendered fifteen years earlier to the use of James Haworth, had failed to surrender or fine for it to the lord. It then consisted of 3 acres of land and two messuages.[3] In this small enclosure we see the beginnings of the industrial hamlet of three hundred years later with its four thriving cotton mills.

That the rentals of 1527 and 1539, as printed by Dr. Farrer, are not complete lists of the tenancies in Rossendale is evident from a perusal of the court rolls of the manor of Accrington before those dates. In these documents are the records of transactions in relation to certain holdings which are obviously not parcels of the original vaccaries nor, so far as can be ascertained, portions of any of the tenancies hitherto mentioned. One such holding was " a farmhold in Towdehole, Hellshowr and Rayvenshowr," for the unpaid rent of which there was a suit in the Halmote in 1510 ;[4] and several others appear to have been enclosed from the waste of Wolfenden before 1539.[5] Further, there are a few entries relating to " rodland," *i.e.* land " ridded " or reclaimed from the waste. Thus " a messuage, 28 acres, and half an acre and three roods of land of rodeland " in Accrington reverted to the king in 1495 on the death of the tenant,[6] while another " messuage and 38 acres of rodland called Hawkeshoo " changed occupants in 1524.[7]

[1] *Clith. Ct. R.*, III, 406, 414.

[2] *Ibid.*, 406, 415 n. The greave, or reeve (A.S. *gerefa*), was the chief officer or bailiff of a manor. He was elected by the tenants in the Halmote or manorial court from the more substantial of their number, and his chief function was the collection of rents payable to the lord, and of lays, galds and other taxes. Each manor of the Honor of Clitheroe had its own greave, and, after the approvement of the forest lands in 1507, separate greaves for " the New Improvements of Accrington " and for Rossendale were appointed.

[3] *Ibid.*, 51.

[4] *Ibid.*, 17.

[5] *E.g.*, " a messuage and other buildings with appurtenances in Wulfenden " (*ibid.*, 79).

[6] *Ibid.*, 4.

[7] *Ibid.*, 46.

We do not know when these holdings were created, but, whatever the date of their origin, they are additional evidence of that process of piecemeal enclosure which we have seen reason to believe had been going on for more than two centuries. The process was indeed slow until about 1540, and in all probability was more evident in the immediate neighbourhood of Haslingden than further east, but from the middle of the sixteenth until well into the next century it was greatly accelerated and extended to all parts of the Forest area. Its greatest activity synchronised with the period of active reclamation of the wild moorlands of Cornwall and probably other unoccupied lands of western England.[1] But, like these latter enclosures, it differed in many important respects from the movement which has received so much attention by writers of sixteenth century history. It is necessary to emphasise the distinction in order to place the Rossendale enclosures in their proper historical perspective.

In considering the agrarian problem of the sixteenth century we must discriminate between enclosures made by the great landlords —the lords of the manors and their farmers—and those made by the peasants and yeomen, landless men as well as copyholders and small freeholders. The distinction is fundamental to a correct understanding of the methods by which the changes were brought about and of the effects which they produced. The enclosures by great men, such as took place in the eastern and midland counties, were principally of open arable fields and common pastures and were made at the expense of the tenants of the manors. Their object was usually the formation of large sheep farms in order to take advantage of the rise in the value of wool. They led to the eviction of the customary tenants and to distress and social unrest among the poorer classes of the rural population. Enclosure by the copyholders, small freeholders and landless men, on the other hand, were not attended by these evils. When those who had shares in the common lands enclosed their strips or divided their pastures, they did so by agreement. In order to improve their agriculture they interchanged their strips of arable or meadow and lumped them together into compact holdings, and in order to obtain better grazing for their cattle they agreed to substitute closes for open pasture. Though they deprived one another of certain privileges, such as common of shack, they acquired something which they considered superior. So they suffered no loss, and inflicted no harm on anyone, except in so far as they deprived squatters and others of the opportunity, to which they had no legal right, of grazing their beasts on the common lands. There was, however, another type of enclosure by little men. This took the form of encroachments on the common pasture or on the waste land of the manor, and was practised

[1] E. C. K. Gonner, *Common Land and Enclosure*, 137.

by men who had no land at all as well as by those who were entitled to rights of common. Such appropriations might, of course, be objectionable, not only to the general body of the tenants as interfering with their customary rights, but also to the lord of the manor unless they were fined for and rent paid for them, but they did not lead to eviction from holdings and the other disturbances connected with the forcible enclosure of open fields.

Now, the interest of Rossendale in connection with the enclosure movement arises from the fact that the great bulk of the changes that took place there were brought about by the tenants and by settlers in search of land and not by great landowners. And the reason will readily be understood from what has already been said about the ownership and the undeveloped nature of the district. Haslingden and Accrington were royal demesne manors, and Rossendale Forest was part of the king's waste. The owner of the land, therefore, was the Crown—a lord who was not actuated by the same motives as the great enclosing landlords. Indeed, in one important respect, the proprietor, whoever he was, could have no opportunity of adding to the evils and swelling the volume of discontent which accompanied the enclosures in the midlands and the east, because there were no open arable fields which he could appropriate by turning out his tenants. What arable farming existed was a matter of individual enterprise and was carried on in the closes attached to the various messuages. The only opportunity of enclosing occurred in respect of the common pasture and the waste. It is not always easy to draw a distinction between these two, for besides the definite areas set apart for common grazing by specified tenants, much of the waste was also used as common pasture; and though, of course, it was always possible for the lord of the manor to enclose these, and apparently legal for him to do so provided he left sufficient for the needs of his tenants,[1] yet as a matter of fact we find that in the case of the restricted pastures enclosure was, generally speaking, a matter of mutual agreement among those who had shares in them, while in the case of the waste the initiative was nearly always taken by the tenants and landless settlers.

It is with the approvement of the waste, and, be it remembered,

[1] The Statute of Merton (1236) protected freeholders against enclosure by their lords, and according to Leadam (*Select Cases in the Court of Requests*, lix and note 2) it was held in the reign of Elizabeth to apply to copyholders. Cf. *Laws of England*, IV, 1085 (Thin Paper Edition), where it is stated that "although the statutes of approvement make no mention of copyholds, and the right of the lord to approve against copyholders who have by custom rights of common of pasture over the wastes has been questioned," yet by a decision of 1616 it was held that, "as at common law the lord may inclose against his tenants generally, no exception being made of copyhold tenants, he may also inclose under the statutes against copyholders; but the necessity for leaving sufficiency of pasture has always been insisted on."

of waste belonging to the king, that we are chiefly concerned in studying the enclosures of the district under present consideration. The large proportion of unoccupied land there existing provided abundant facilities for the formation of new holdings, the increased revenue accruing from which was of immediate advantage to the Crown. It became, therefore, the settled policy of the Crown to encourage the taking up of its uncultivated estates, so long as such appropriation was done in the legal way and did not defraud the king of his rights; and, on the other hand, to see that no new settlements were made without sanction, which, of course, meant without being paid for, since by manorial custom approvement of the waste was a right vested in the lord of the manor alone.

From another point of view, the enclosure of the waste must be regarded as the natural line of development in a locality like that of Rossendale. It was natural that people should drift into a district where there was land to spare, and that they should nibble a bit here and a bit there on which to erect a humble dwelling for themselves and cultivate what was necessary for life. The possession of land was in those days, for the vast majority of people, a necessity of existence. Moreover, the hilly parts of the west of England were, generally speaking, places of late economic development, or at least places which had not developed the same agrarian organisation as the flatter parts of the midlands and the east. For instance, the three-field system of agriculture did not usually obtain in the west, and so the obstructions to enclosure presented by the various incidents of common connected with that system were often non-existent. This, at any rate, was the case in Rossendale. Enclosures only rarely interfered with the rights of other inhabitants. Even when a man fenced off a part of a waste which was a common pasture, he did not necessarily deprive others of adequate grazing facilities. There was room for a very considerable settlement of new-comers.

We are in the fortunate position of being able to describe in detail the exact methods by which, during the sixteenth and the early part of the seventeenth centuries, both land hitherto unused and pastures shared in common were taken into private ownership. There is preserved in Clitheroe Castle an unbroken series of court rolls for the whole Honor from the beginning of the sixteenth century, and for the first sixty or seventy years of the series these records have been translated and published in three octavo volumes.[1] They are a rich mine of information relating to the political, social and economic condition of this portion of Lancashire. In particular, they supply many of the details required by the student who wishes to investigate the manner in which the settlements of Blackburnshire extended and multiplied.

[1] W. Farrer, *Court Rolls of the Honor of Clitheroe*, 1897-1913.

For the rest, the muniments of the Public Record Office render valuable assistance. Royal commissions of inquiry and the proceedings in the Court of the Duchy of Lancaster furnish supplementary data which serve to complete the picture presented by the local court rolls.

I. The lord's court—in this district called the Halmote—was the means whereby changes of ownership and admittance to tenures received legal sanction. No modification of existing tenures or creation of new settlements was valid without the authority of the Halmote ; hence a large part of the business transacted therein concerned the occupation of land. And prominent among these proceedings were the pleas of partition of lands held in common. After the settlement of 1507, there was still only a small part of the Rossendale area owned in severalty. The vaccaries were not completely partitioned, and considerable portions of them were held as " mean " or common land. Outside them a vast extent of waste land remained, on which the grantees possessed the right to pasture their beasts. In some cases, as already explained, the occupiers of individual vaccaries were assigned separate pastures, in others the tenants of more than one vaccary shared a common portion of the waste between them. In addition, there were further stretches of waste land on which the copyholders of the vills of Haslingden and Accrington had enjoyed common rights from very early times. Now the harmonious use of property in common requires qualities in the partners with which human nature is not universally endowed. Friction and disputes of one sort or another are likely sooner or later to arise owing to the thoughtlessness or selfishness of one or more of the co-tenants. One man will " overstock " the common pasture by putting thereon more beasts than he is entitled to do ; another will obstruct a way leading to or through it ; a third will attempt to appropriate part of it. In various ways an inconsiderate tenant may interfere with his neighbours' rights. Further, unless the pasture is rigidly stinted, there is danger of its being eaten bare by unrestricted use. In any case, deterioration of the herbage is more or less inevitable without the regulation of grazing facilities, which may prove irksome to some of the tenants. Nor can the land be improved without the expenditure of capital and labour in clearing, draining and manuring, to which others may not be prepared to contribute. All these inconveniences are likely to become more frequent as the holdings multiply and the number of shares in the common lands increases, and we can understand how the desire for the division of the lands into individual plots would arise. A progressive tenant would naturally long for conditions which would secure him against annoyance by negligent and ungenerous neighbours, and which would ensure that he reaped the full benefit of any expense or trouble he might incur in improving the land. The lord's court provided him with a ready means of attaining his ambition.

(i) As an example of the kind of disagreement which would lead to the desire of the copyholders for the division of a common pasture we may quote a suit which was heard in the Halmote of Accrington in 1539. One of the tenants of the vaccary of Crawshaw Booth was sued by the others in a plea of trespass for encroaching a parcel of land called " Mokyderthe in the meane grownd " and obstructing a way in Crawshaw Booth.[1] Evidently the defendant had been enclosing part of the common pasture and probably preventing free access to it by his fellow tenants. The dispute, however, did not in this case result in partition, as the parties appear to have settled the matter in court ; but when we see a case of this sort on one page of the rolls, and on another read that a James Lord, junior, is plaintiff " against Henry Haworth and other tenants in Bacopp in a plea of partition and division of lands lying in Wulfenden and Bacopp waist," [2] or that there has been a " partition of the land in the meane lying in Wolfenden and called Tunstead Waist " between certain tenants as plaintiffs and others as defendants,[3] we cannot help suspecting that there may be some sort of connection between the two kinds of litigation.

The suspicion is confirmed by one or two instances in which the judgment of the court combines both a division of land and the settlement of a grievance. Such a case occurred in 1549, when James Lord *alias* Bolton of Bacup complained against all the other tenants of that vaccary in a plea *de participatione facienda* of the mean lands called the Foldes, the Grenes and the Lee, alleging further that they had obstructed a way between a certain house and the Calffhey. The question as to the right of way was decided by the jury of the court, who directed that the plaintiff should have free passage over a parcel of land called the Barnesteds and along a certain lane called Bonkehowserawe. With regard to the suit for partition, it was ordered that no change should be made in the form of tenure by which the plot called " le Grenes " was held, but that the Foldes should be divided amongst the tenants in proportion to the value of their copyholds by the award of four friends.[4]

It does not, of course, necessarily follow that an application on the part of some co-tenants for a division against the others always arose out of dissensions amongst them. Some of the cases recorded have the appearance of being collusive suits. By a mutual arrangement among a group of copyholders one or more of them would bring an action against the rest, and the shares of the respective parties would be decided by arbitration. Thus, in 1534, Edward Nuttoo and James Haworth were plaintiffs against Henry Haworth " in a plea of partition

[1] *Clith. Ct. R.*, III, 100. [2] *Ibid.*, 84. [3] *Ibid.*, 132.
[4] *Ibid.*, 149-50. A somewhat similar settlement was decreed in another plea of partition brought by the same plaintiff at the same court against three of the above defendants (*ibid.*, 150).

and division of all lands and fences in Redemedow and Crawshey Clough," and the suit was " concorded by the verdict of four friends." [1] Again, three years later, four of the eight tenants of Deadwinclough brought an action against the other four for the division of a certain parcel of land called the Edge belonging to that vaccary. The jury in this case, with the assent of the parties, nominated four of the customary tenants of the manor who were to divide the land in question equally among the litigants.[2]

On other occasions the award was made by the jury of the Halmote, or by a special jury of twenty-four copyholders named for the purpose. A decision made by a special jury in 1534 is interesting, because the details given present the process of partition to us much more vividly than the mere statement that the division was to take place can do. The suit concerned five co-tenants of certain parcels of land in Tunstead, Sedge and Sowclough, and ended in the following verdict :—

> " That the said John Law shall have the eastern part of Segge and Sowclough for his share, and Richard Dureden and Robert Penhulton shall have likewise the western part of Sedge and Sowclough for their shares ; and that there shall be a way between them, containing in itself one rod of land in width, through and within the eastern part and the western part of Segge and Sowclough, namely, from le Kyrkesteid to le Stacksted ; and further that a certain parcel of land there (value 8d.) shall be measured and set forth by the award of James Pecopp and James Haworth and two measures of land from the west part as far as the eastern part of Sedge and Sowclough ; and likewise that all those lands lying in Tonsted called ' le Dools,' which were formerly divided between the said Richard Whithworth, Hugh Haworth, and Richard Durden of the one part, and the said John Law of the other part, shall in future stand firm in force and effect." [3]

(ii) Division of common land did not, however, always take the form of a suit in the Halmote Court. Another method of procedure was the application by the copyholders to the Court of the Duchy, which granted a decree authorising the required parcelling out of the common, and appointed commissioners to apportion the shares. The recipients were then admitted to their new holdings in the local court in the ordinary way. The first example of this type of enclosure occurred in 1557. Some customary tenants of Haslingden petitioned the Duchy Court for the grant in severalty of 60 acres of the waste. The Court nominated Hugh Anderton and Hugh Garthsyde, through whom the petition had been presented, for the task of dividing out the area applied for, and directed the Stewards of the Hundred to hold a court in the manor for the purpose of admitting the tenants to their

[1] *Clith. Ct. R.*, III, 84. [2] *Ibid.*, 90. [3] *Ibid.*, 84.

parcels. A special court was held on 18 August, when the following fifteen admittances were recorded :—

TABLE VI.

PARTITION OF SIXTY ACRES OF HASLINGDEN WASTE BY DECREE OF THE DUCHY COURT, 1557.

Tenant.	Parcel Awarded.		
	ac.	r.	rodfalls.
Elizabeth Anderton	8	—	—
Ralph Holden, esq.,	13	1 [1]	—
Francis Gartside, gent.	10	—	—
ditto.	7 [2]	—	—
John Nutto	7	—	—
Adam Holden	3	2	—
Richard Durden	3	2	—
Thomas Holden, Chaplain	—	3	—
William Rothwell	3	2	—
Robert Gregorye	1	2½	—
Hugh Fenton	1	—	—
Edmund Romsbothom	1	2	—
Thomas Gartsyde	1	0	1
Oliver Romsbothom	1	2	—
John Romsbothom	—	—	4
Totals	63	0½	5 [3]

The various plots were granted at the uniform rent of fourpence per acre, and the residue of the waste was "taken to the use of all the customary tenants within the parish or township at the yearly rent of 6s. 8d." [4]

[1] Surrendered to Adam Holden. [2] Surrendered to Hugh Gartside.

[3] A "rodfall" or "fall" of land corresponded to our square pole or perch. It was the invariable practice to measure land improved from the waste by means of a rod or pole, the length of which varied in different localities. It is not clear what was the length of the rod employed in the manor of Accrington. The 7-yard pole seems to have been used in most of the manors of the Honor of Clitheroe, and also in the parish of Bury, with the exception of the manor of Tottington, where the 8-yard rate was adopted (see *Clith. Ct. R.*, I, 16 n.; III, 214, 339). I have not discovered any authoritative ruling with regard to the customary measure of Accrington. The fact that when Enfield Moor was surveyed for division in 1577 its extent was estimated at both 7 and 8 yards to the pole (Dy. Lanc. Spec. Comm., 261) seems to suggest that there was at that time some uncertainty as to the customary rate, yet the area calculated at 7 yards is the one usually quoted when this common is mentioned. Nevertheless, I am informed that when the customary acreage of specific plots in this manor is converted to statute measure the calculation at 8 yards to the pole gives a nearer approximation to the statute area than that at 7 yards.

[4] *Clith. Ct. R.*, III, 195-6.

Twenty years later application was made by the tenants of Accrington for the enclosure and division of Enfield Waste. Though this common, adjoining as it did that of the neighbouring manor of Altham, is not strictly within our region, the account of its partition supplements what has just been said as to the method of this type of enclosure. The area in question consisted of about 65 Lancashire acres [1] of common pasture and turbary, which the twelve tenants wished to have distributed amongst them "accordinge to the porcion and rate of there severall coppieholde groundes." Three commissioners were appointed by the Duchy Court "to viewe and survey the same and to cause the same to be measured;" to ascertain how many persons were entitled to common rights on it, and whether they were contented to have it enclosed and occupied by them in severalty; and also how much the common would be worth when so enclosed and occupied. The commissioners visited Accrington on 10 June and took the depositions of the twelve tenants who all asserted their willingness to divide the pasture "if they might have it by copie of courte Rowle and for a reasonable rent." This, "considering the ground ys baron and that they have common of pasture and turbarie belonging to there severall copiholes in the same," they judged to be fourpence an acre; [2] but when the Duchy Court issued instructions to the Steward to admit the partitioners to their several allotments, the rents were fixed at the rate of sixpence per acre.[3]

II. So far, we have been dealing with the enclosure of the whole or parts of common lands by the whole of the tenants concerned. As we might expect, such enclosures were made by common agreement, or by the method of arbitration which implied acceptance by all. The rights which had been established by custom or by grant could not be interfered with except by the consent of the participants expressed through the legal form of a suit in the Halmote or a petition to the superior court of the Duchy. The compliance of the copyholders was equally sought in the case of grants of the waste to individuals. Though by the Statute of Merton the lord of the manor had the right to "approve" any part of his waste not required to meet the needs of his tenants,[4] there was always the difficulty of deciding how much common was necessary for their requirements—a problem which would entail a commission of inquiry or a lawsuit—and it was both simpler and more satisfactory to apply for their consent in the Halmote. Hence we usually find that, when a person is admitted to a portion of the waste ground, the court is careful to record that the grant has been made with the approval of the copyholders. Thus, when in 1541 Thomas Holden, the chaplain of Haslingden, required a piece of land

[1] Equivalent to about 104 statute acres. [2] Dy. Lanc. Spec. Comm., No. 261.
[3] Court Roll, No. 60. Halmote of Accrington, 15 May, 20 Eliz.
[4] See above, p. 48, n. 1.

on which to build a " Chamber " or dwelling, he took from the king 1 rood of ground in the " Churche pitts " " by the consent of the king's tenants of the whole town of Haslynden." [1] Presumably it was also with the acquiescence of the copyholders that Thomas Gartesyd, gent., was six years later admitted to two other portions described as a " certain parcel of land taken from the King's waste lying over against the Cross in le Churche pittes . . . and another parcel of land as it lies in le Churche pittes aforesaid, called le Howsestedes, containing altogether one acre of land." [2]

A similar case in Huncoat, though just outside the Rossendale area, is worth quoting because it shows how jealously the copyholders guarded their common rights. Olyver Byrtwissill enclosed " three roods and 18 falls of land taken from the lord's waste lying upon Sabfalgrene " " with the consent of Edmund Ascheton, esq., Roger Ryscheton, gent. . . . and all other the king's tenants and inhabitants of the whole town of Huncott." But the grant was made subject to certain conditions laid down in a memorandum of agreement between Oliver Byrtwissill and the whole body of the tenants. The situation of the parcel was defined, and it was stipulated among other things that the encloser should not make any claim of land in " Huncott Loyne " (lane) between certain specified points.[3]

III. Closely akin to these grants of the waste with the concurrence of those who are entitled to the use of it is the voluntary relinquishment by the copyholders of the whole or part of their common pasture. We have an instance of such an alienation at Friarhill. This pasture, as previously stated, belonged nominally to the tenants in Rossendale, though it was probably used only by those who lived in its immediate vicinity. In 1562 fifty-four copyholders of the Forest (whose names are recorded) appeared in the Halmote Court and gave up their title to the common in favour of Geoffrey Rishton, gent., of Antley, who received it as an estate of inheritance apparently at the same rent as had been paid by the tenants jointly.[4] It is somewhat surprising that the value of this enclosure was not " approved." It was customary to affix a uniform rent of fourpence an acre to improvements from the waste, and the area of Friarhill was surely more than 20 acres. What its actual extent was we do not know, but, unless the surrenderors were compensated for their loss it would seem that Geoffrey Rishton

[1] *Clith. Ct. R.*, III, 116. [2] *Ibid.*, 146-7.

[3] *Ibid.*, 117-8. This was in 1542. It was probably the same Oliver Birtwistle who appealed a few years afterwards to the Duchy Court for permission to enclose 1 acre of the same waste, which he said lay in the midst of land occupied by him. He complained of loss and inconvenience, in all probability caused by the passage of his neighbours' beasts across his land in order to reach the common pasture. Instructions were accordingly issued to the Steward of Blackburnshire to register the necessary admittance in the Halmote Court (*ibid.*, 148).

[4] The rent paid to the lord was still 6s. 8d. in 1662 (*ibid.*, 424).

obtained his new estate cheaply. One could wish for more information about this transaction, but unfortunately the record in the rolls as printed is limited to the mere statement of the transfer.[1]

Following the above surrender of a pasture *in toto* by all the tenants interested, we have possibly an example of the abandonment of common rights by a section of the participants. The entry in the court roll is as follows :—

> "*Haslingden.*—At the Halmote held on Friday, 30 Oct., 4 Elizabeth (1562), Adam Holden, by the Deputy Steward, surrendered 1 acre, 1 rood of Haslyngden pasture, lying within bounds between lee Heigh Lawe and le Stryndes, to the use of George Nevel, esq., and his heirs ; fine, 5d. Francis Garthside, by the Deputy Steward, surrendered 1 acre, 1 rood in the same place, to the use of George Nevell, esq., and his heirs ; fine, 5d. Hugh Garthside surrendered 1 acre, 1 rood there, John Nuttowe surrendered 1 acre 1 rood there, Francis Garthside surrendered ½ acre there, Hugh Garthside surrendered ½ acre there, to the use of the said George Nevell, esq., and his heirs ; fines, 5d., 5d., 2d., and 2d. respectively."[2]

The amount of land given up by each of the surrenderors is specifically stated, but the pieces can scarcely have been separately fenced, as they are all stated to be " in the same place " and parts of " Haslyngden pasture." The wording, however, of the conveyance is peculiar. Why are the additional half-acres surrendered by the two Garthsides mentioned apart from the lots of 1 acre, 1 rood which they yielded in common with Adam Holden and John Nuttowe ? Was the pasture divided by metes and bounds or into strips and apportioned to the several tenants in such a way that Hugh and Francis had each two separate allotments of 5 and 2 roods respectively ? Or was the above quotation only the scribe's crude method of indicating the respective shares to which the four alienating copyholders would be entitled on a division of the common ? Whatever the interpretation to be put on this record may be, it seems plausible to infer that some of those who had a right to use the Haslingden common pasture were here prepared for a consideration not indicated to relinquish their claims. We are not informed whether George Nevill enclosed the 6 acres which he had thus obtained. Possibly he was content to leave them open, requiring only greater grazing facilities than he already possessed. Even so, the fact that he had acquired the shares which had previously been divided among four others, and which possibly were contiguous, was in itself a step facilitating enclosure whenever the opportunity for it should occur.

[1] *Clith. Ct. R.*, III, 227. [2] *Ibid.*, 232.

IV. Beneath the varying forms which the enclosures hitherto dealt with assumed was a common characteristic. They were all carried out in accordance with established legal formalities. The leading part in them was played by the lord's court; and inasmuch as the jury of the lord's court was composed of the customary tenants of the manor, who transacted the business and over whom the lord or his steward merely presided, these conversions of tenure are witness to the strength of self-government in the small yeoman class. Whether it was a question of a common to be divided or a piece of the waste to be granted in severalty, the procedure was conducted in legal form by the copyholders themselves. But side by side with this legitimate method of enclosure, there was a great deal of illegal encroachment on the wastes and common lands. In some cases the offenders were the tenants, but there is reason to believe that to a much greater extent the cribbing of land was practised by non-propertied inhabitants and indigent immigrants from other parts. It is to this method of unauthorised enclosure that we must now turn our attention.

(i) Probably none of the rights and privileges of the lord of the manor was more jealously guarded than that of approving the waste, and it was not the least important of the functions of the manorial court to inquire whether any enclosure of open land or any settlement on the waste had been made without the lord's licence. It is natural, therefore, to turn once more to the records of the lord's court to see what evidence they supply of surreptitious enclosure.

Between 1495 and 1551 the following presentments of encroachment were made in the Halmote of Accrington (see next page).

It will be noticed that the area enclosed by the offenders named in the above list is not always specified, but where it is not the amount of the fine imposed by the court gives an indication of the size of the encroachment. If we neglect the last presentment, we may safely say that in nearly every instance the parcel taken is very small; and the two exceptions are offences by the same individual. Now by whom were these little plots appropriated? Of the twelve persons presented between 1495 and 1547 only two, namely, Lawrence Heype and Hugh Fenton, can definitely be stated to be tenants. Four of the other ten, Ralph Crawshaw, John Cowper, Roger Greaves and Henry Singleton, are not mentioned again in the printed court rolls, nor are their names included in the rentals which have been examined; while with regard to the remaining six, there is no indication in the records that any of them held land, with the possible exception of the "large" encroacher, Ralph Yate. Even in his case there is no direct evidence that he was a landholder, though the fact that he was four times presented and three times amerced for overloading or trespassing with horses and

beasts on Haslingden common pasture [1] suggests that he was at any rate settled in Haslingden and perhaps had a holding there. Two of the six at least were notorious vagabonds, both on occasions suffering imprisonment and "bodily punishment" for poaching and assault,

TABLE VII.

PRESENTMENTS OF ENCROACHMENTS ON COMMON LANDS IN THE HALMOTE OF ACCRINGTON, 1495-1551.

Date.	Person Presented.	Nature of Encroachment.	Fine.
			s. *d.*
1495	Ralph Crawshaw . .	A parcel at Flaxmoss . .	—
1509	John Cowper . . .	A parcel of Bacup . . .	4
1524	Lawrence Heype . .	A parcel on Hoddlesden Common	4
,,	,, ,, . .	A garden on Haslingden Common	4
1526	Ralph Yate . . .	60 ac. of land and more upon common pasture of Haslingden and erection of a house thereon .	—
1531	,, ,, . . .	20 ac. upon common pasture of Haslingden	3 0
1538	John and Ambrose Fenton	A parcel from the king's waste in Haslingden and erection of house thereon . . .	4 each
1542	Richard Conclyff . .	A parcel containing 1 ac. from king's waste in Haslingden .	1 0
1546	Thomas Nuttoo . .	A parcel on the Kyrkemore and the Cronkesheyheid, ctg. ½ ac., and erection of house . .	—
,,	John and Amer Fenton .	A parcel on the Kyrkemore of Has'den, ctg. ½ rood . .	—
,,	Oliver and Hugh Fenton .	A parcel on Flaxmoss ctg. ½ rood	—
,,	Roger Greues . . .	A parcel on Flaxmoss, ctg. 1 rodfall	—
1547	Henry Singleton . .	Erection of house on Haslingden common pasture . . .	8
1551	Thos. Holden, priest, and Thos. Gartesyd . .	A parcel on the king's waste in Haslingden	Respited.

because "they have naught wherewith to pay our lord the king for fine and contempt." [2] From these considerations it can scarcely be trespassing beyond the bounds of probability to conclude that the encroachments presented by the Halmote were for the most part

[1] *Clith. Ct. R.*, III, 57, 64, 68, 82, 123.

[2] See the records of John Fenton (*ibid.*, 25, 48-9, 83, 93, 129, 282) and Oliver Fenton (*ibid.*, 118, 123).

made by landless men, perhaps squatters entering the district from neighbouring manors and seeking settlement here.[1]

Bearing in mind what has been said as to the composition of the jury of the lord's court, we might expect that in the regular meetings of the court the lord had sufficient protection against the unlawful appropriation of his land. For in looking after the lord's interest the jury were also safeguarding their own. When they inquired whether any fences had been put up round any part of the open fields or any house had been erected on the waste without permission, they were not only preventing the lord's land from slipping out of his hands, but they were also protecting their own rights of common. But in the manor of Accrington—and probably not there only—the defences of the Halmote proved inadequate to meet the attacks upon the king's waste. One suspects that something more than the self-interest of the tenants was needed to prevent encroachment. Where the lord lived on the manor, or kept in close personal touch with it, or was represented by an energetic steward, it might be that few or no cases of illegal enclosure passed without question. If, however, the lord was an habitual absentee, as was the case in the Honor of Clitheroe, and especially if the amount of waste was large in proportion to the number of the tenants, as in Rossendale, it was very likely that much enclosure and many settlements might be made without his cognizance. Indeed, if the enclosing was done by influential copyholders or was a general custom among the tenants, there would be obvious reasons for the jury's connivance at the practice ; and if the squatters took small parcels of land of little value, the tenants might not think it worth while to present such encroachments to the court. The lord's interest might suffer, but not that of the inhabitants. And so it was well from the lord's point of view that there was in the estates belonging to the Duchy of Lancaster a second line of defence. This was the Duchy Court.

(ii) One weapon possessed by the Duchy Court against encroachment was the citation of offenders. Many prosecutions for the unlawful occupation of Crown lands are enumerated in the Calendars of Duchy Pleadings. The actual records, however, are in many cases incomplete, so that it often happens that the searcher, after examining

[1] Presentments for encroachments are less frequent after 1551, but the following cases were noted by the writer in going through the court rolls preserved at Clitheroe Castle :—

(1)	Roll No. 60.	15 May,	20 Eliz.	. 2 cases on Henheads.
(2)	,, ,, 62.	14 May,	22 ,,	. 1 case ,, ,,
(3)	,, ,, 66.	30 April,	26 ,,	. 1 ,, ,, ,,
(4)	,, ,, 98.	15 Jan.,	13 Jas. I	. 2 cases on Haslingden pasture.
(5)	,, ,, 104.	15 Oct.,	19 ,,	. 1 case.
(6)	,, ,, ,,	16 May,	20 ,,	. 1 case (building a cottage), Haslingden.
(7)	,, ,, 105.	29 Oct.,	20 ,,	. 2 cases (building cottages).

an accusation, fails to find any answer thereto, or to ascertain whether, when an answer has been returned, the suit has been proceeded with. We have a case of this sort in an action relating to a portion of Ogden Moor. In 1570 the Attorney-General of the Duchy prosecuted ten persons for having "wrongfullye entred and entruded severally into sondry percells of landes medowe and pasture called Typpett of Ugden conteynynge by estimacion xxxti acres or thereaboutes." A writ summoning the persons accused to answer the charge was applied for,[1] but no further record relating to the prosecution has been discovered. Such incomplete documents are not, of course, satisfactory evidence as to the facts of the particular enclosures alleged, but they may nevertheless be regarded as additional testimony to the existence of the movement which we are at present discussing.

(iii) More positive information is furnished by the Commissions of Inquiry ordered by the Duchy Court. These must be distinguished from the enclosure commissions emanating from the Privy Council. The contrast between the two kinds is instructive, for it must not be forgotten that the Duchy of Lancaster was a Crown estate, so that in the commissions which we are about to examine we shall see an aspect of royal policy which does not appear when we consider the Crown as the head of the commonwealth. The truth is that though the Crown, whether as representing the government or as a private landlord, was not opposed to enclosure as such, yet in its different capacities it had to deal with different types of enclosure. Usually the commissions upon enclosure appointed by the Crown in Council had for their object the investigation of cases of oppression by manorial authorities. They were directed against arbitrary enclosure by the great landlords of lands in which their tenants had an interest. As an instrument employed to check the conversion of arable to pasture and the consequent evil of depopulation, they were an expression of the opposition of the Crown, as the head of the nation, to the new competitive conditions which were transforming English rural life.[2] In the commissions issued by the Duchy Court, on the other hand, we see the attitude of the Crown as a manorial lord towards the attempts of tenants and others to procure land gratuitously. In this capacity the king's object was essentially a financial one. It was to take care that enclosure by unauthorised individuals did not mean the ultimate creation of freeholds out of the Crown lands. In other words, when the Duchy Court ordered an inquiry to be made into the encroachments on the wastes of the royal manors, its purpose was to find out how far the Crown had been deprived of revenue.

The first commission of inquiry into encroachments in our district

[1] Dy. Lanc. Pldgs., 81, A 13.

[2] For an examination of the principal Privy Council Commissions, see Tawney, *Agrarian Problem*, pp. 355-77.

was issued in 1546.[1] Its scope extended to Tottington as well as Rossendale, and it is fortunate that, while the depositions relating to the former manor have been rendered largely indecipherable by damp and the fading of the ink, those for Accrington are still fairly legible. The commissioners reported the following eleven cases of encroachment on Haslingden waste :—

Gilbert Holden, gent.	1	acre and 1 house.
Wyff of Edmunde Heipe and Henry Heipe	½	acre and 6 houses.
Adam Romesbotham	6	(?) acres and 1 house.
Thomas Holden	1	house.
Thomas Holden, priest	1	,,
Henry Romsbotham, priest	1	"rode" and 1 house.
William Rothwell	22	rodfalls.
Oliver Fenton	10	,,
Hugh Fenton	10	,,
John Jacson	10	,,
Roger Grevys	10	,, and 1 house.

Probably the enclosures by Oliver and Hugh Fenton and Roger Grevys (Greaves) are identical with those presented in respect of the same persons by the jury of Haslingden at the Halmote Court in the same year.[2] And, like most of the Halmote presentments above enumerated, all the encroachments here recorded are of small parcels. Early in the following year two warrants were issued directing the stewards of the Honor of Clitheroe to admit certain persons to specified portions of the king's waste in Haslingden and Rossendale.[3] In some instances the premises and the persons who occupied them correspond very closely to the cases revealed by the Commission of 1546. Roger Ryscheton, for example, was admitted to two houses "laitly buylded apon the Kyng's Wayst" with 1 rood of land "in the occupation of Sir Thomas Holden and Sir Henry Ramysbothome, Prests," and William his son was admitted to "a house and ten Roode Falls of land of the king's waste in Haslyngden in the occupation of Oliver Fenton." In other instances the admittances are to encroachments presented in the Halmote. Thus Thomas Nuttoo was registered as the copyhold tenant of the house which he had built and the half-acre which he had taken from the Haslingden common lands. It seems fairly obvious from these facts that it was not the policy of the Crown as lord of the manor to prohibit altogether the enclosure of the waste, for if the offenders were willing to take a grant of their plots and pay a fine, or if someone of greater substance came forward prepared to hold them by customary tenure, the encroachments were not recovered.

The second Commission of Inquiry was appointed in the first year of Philip and Mary,[4] and related to several manors in the Hundred

[1] Dy. Lanc. Deps., I, 48; R 10, 10*a*.
[2] *Clith. Ct. R.*, III, 143-4.
[3] See above, p. 58.
[4] Dy. Lanc. Deps., I, 66, R 4, 4*a*, 4*d*.

of Blackburn. The financial object of this investigation is manifest from the list of interrogatories to be addressed to the copyholders. The commissioners were directed to ascertain, in addition to the extent of the encroachments, (*a*) how many acres of the waste in each manor, leaving sufficient for the tenants and inhabitants, might be improved and let at a rent, and how much per acre such improved land would be worth; (*b*) what mills or weirs had been constructed without rent being paid for them; and (*c*) "whether any copiholder have made any bargayne Sale morgage or unlawfull exchange of any customarie or copihold lands without the Kyng and quenes licence or without fyne levyed." Though these latter questions throw light on the purpose of the inquiry, the answers to them do not concern us here. As to the encroachments recorded, not many are in the Rossendale district, but once again they are of small dimensions. Excluding the enclosures in Whorlaw (Horlawe) Pasture and at the Head of Shove Hey,[1] the cases particularised are as follow:—

John Nutto	1 oxhouse (?)	—
Roger Caleyes (?)	1 house	4 acres.
Rauff Ryshton	1 „	3 rodfalls.
Rauff Elston		1 acre.
Amer Fenton	1 house	3 rodfalls.
William Rothwell		½ rood.

The court rolls do not appear to record admittance to any of these parcels, but enclosures revealed by a third commission appointed in 1561[2] were regularised in the Halmote Court two years later. This inquiry apparently extended to the county of Lancaster as a whole. In the Haslingden and Rossendale area there were four cases of encroachment, namely:—

(1) Three falls encroached on Haslingden waste in the tenure of Gilbert Rothwell (2d.).[3]

(2) One house or barn containing three "Baies" built on Haslingden waste in the tenure of Rycherd Taillor (12d.).

(3) One "mansion howse" containing two "baies" and one other house and ½ acre of land encroached in the tenure of Raffe Holdene (2s.).

(4) One acre encroached . . . called Aitenffelde in the tenure of Rycherd Rawstorne and John Coweoppe (12d.).[4]

[1] These cases, mentioned in *Ducatus Lancastriæ*, Vol. II, p. 139, were not discovered in the documents at the Public Record Office.

[2] *Clith. Ct. R.*, III, 236-9.

[3] The sums in brackets represent the fines on admittance, *i.e.* one year's rent of the property encroached.

[4] Certain lands in Carter Place, which had been granted for the maintenance of the priest of Rossendale Chapel, were for some reason not apparent included in the list.

After the report of the commissioners of 1561, letters were dispatched by the Chancellor and Council of the Duchy instructing the stewards of the Hundred to hold special courts in the several manors for the purpose of admitting as tenants of the enclosed lands such persons as were nominated by Edward Williams, gent., who, it seems, had been active in searching out the offenders. Of the four tenements specified above, the first three were taken by Edward Williams himself, the occupiers remaining as his sub-tenants.

The next inquiry into enclosures in Rossendale occurred in the reign of James I, the financial exigencies of whose government led him to explore every means of increasing the revenue. Under him (as also under his son), the Privy Council was very active in its campaign against those enclosures which involved the decay of tillage and depopulation, attacking them both by way of commissions of inquiry and by way of prosecutions at the assizes and in the Court of Star Chamber,[1] and one cannot help suspecting that the motive was not merely a desire to protect the peasants against unscrupulous landlords. However that may be, the Crown lands afforded obvious opportunities for raising money. The creation of copyholds out of the waste was not the least profitable, and just as the offences of the great landlords might be turned to account for the benefit of the Exchequer, so the petty thefts of land by lesser people might be made a useful source of income to the Duchy fisc. Improved waste in large plots was usually worth fourpence, or at most sixpence, an acre ; in little gardens and closes such as squatters and poor tenants might enclose, it might easily be made to bring in ten or twenty times that amount.

We have two commissions in James I's reign, both in the year 1616. The immediate occasion which led to their appointment was an attempt on the part of the king to call in question the validity of the titles to those portions of the waste which had been acquired by the inhabitants of the Honor of Clitheroe. The tenants demurred that their estates were sound, having been granted by copy of court roll ; but the officers of the Crown ordered a strict survey to be made, probably suspecting that some, at least, of the acquisitions were unlawful encroachments, the disclosure of which would weaken the position of the tenants, even though the result of the inquiry did not invalidate the copyhold nature of others.[2] The first commission, issued on 14 August, ordered an investigation of the " manors, messuages, lands, tenements," etc., in the Duchy possessions of Lancashire which had been " intruded upon, incroached or unjustly deteyned or concealed." [3] The inquisition was held at Preston on 20 October,

[1] See Tawney, *Agrarian Problem*, 374-7.

[2] The whole proceedings relating to this copyhold dispute are dealt with in Chapter V.

[3] Dy. Lanc. Spec. Comm., No. 1009.

and the depositions taken relate chiefly to the eastern parts of the county, Burnley, Marsden, Bercliffe (Briercliffe ?) and Haslingden figuring prominently among the returns. The encroachments in Haslingden are of special interest to us, not only because they show that the nibbling process was still going on in the seventeenth century, but also because they indicate what parts of the township were at this time being opened up, and for what purposes the enclosures were being made. A few examples are given by way of illustration :—

" One Smithy for a Cutler in Haslinden " in the tenure of James Haworth or his assigns, of the yearly value of 4d.[1]

" One parcel of a Dwelling house erected upon the common pasture of Flasmorse," in the tenure of Francis Romsbothon of Wheat Crofte *alias* Whitcroft, or his assigns ; yearly value, 4d.

" One parcel incroached from His Majesty's Comon of Hutchbanke and Highmore " containing 3 roods of arable or pasture, in the tenure of Robert Houlden, gent., yearly value, 4d.

" One turfhouse erected on the common aforesaid " in the tenure of Hugh ffenton or his assigns ; yearly value, 3d.

" One Kilne erected and half a rood of pasture or arable " in the tenure of William Harteley or his assigns ; yearly value, 4d.

" Two falls of meadow ground in a place called the Slates " in the tenure of Richard Duerden or his assigns ; yearly value, 3d.

In all there are thirty-one entries in the list of encroachments in Haslingden,[2] and in no instance does the area exceed 3 roods. Ten of the cases are parcels of not more than two rodfalls, and fifteen are of six falls or less. Eight others are simply cottages, smithies, turf-houses, barns and the like without land attached.

Whether there was reason to believe that the returns obtained by the first commission were not complete and that closer investigation would bring a greater number of offences to light, we cannot say, but very shortly afterwards a second inquiry, confined to Haslingden, was instituted. The results strikingly confirm the impression we get from the earlier report of the continuance of piecemeal enclosure. In fact, they almost point to an acceleration of the process. Before, however, we consider the new data elicited, a suit in the Duchy Court arising out of the partition of 60 acres of the Haslingden waste in 1557 [3] should be mentioned.

The reader will recollect that the partition referred to was carried out by Hugh Anderton and Hugh Garthsyde as the result of a petition presented by them on behalf of the copyholders of Haslingden. Four years later an action [4] was commenced against Anderton and Garthsyde

[1] This entry, however, was crossed out in different ink.
[2] Seven of these were subsequently crossed out.
[3] See above, pp. 52-53. [4] Dy. Lanc. Pldgs., 50, N 1.

by George Nevell, Nicholas Dureden and others, copyholders, on the ground that the division had been unfairly made and was prejudicial to the interests of the inhabitants. The plaintiffs asserted that the two assessors allowed none but such as would pay them " grate summes of money " to have a share in the common which was parcelled out, and that as a consequence of their own unwillingness to offer the amount demanded they had been deprived of their fair shares of the common. They further accused those who had obtained shares of having enclosed " twyce as much or more " of the pasture as they had been admitted to, with the double result that the waste, which before had been " scarce suffycyent " for the tenants was now " sore strained and also lessened," and was surcharged by the enclosers who were able to keep more cattle on the rest of the common by virtue of their improvements. No records have been traced to indicate whether these charges were proved, but the depositions secured by the second commission of 1616 certainly lend colour to them.

The letters of this commission,[1] bearing date 26 November, were addressed to Ralph Ashton, esq., " particular receaver of the possessions of the Duchy of Lancaster," John Nutter, Deputy Steward of the Honor of Clitheroe, Roger Kenion, gent., and Robert Heye, gent. They state that since the commission of 3 and 5 Philip and Mary (1557) authorising the grant of 60 acres of Haslingden waste, " there are some other cottages in lytle Incrochmentes made and inclosed in and upon the some (*sic*) parte of the same wastes and commons by some of our ffreeholders and copieholders of Haslingden aforesaid for theyr necessarie uses without yelding any rente to us or our predecessors for the same." The commissioners are accordingly directed to have the enclosures made by the previous commissioners measured in order to ascertain " whether there be any more of the said commons enclosed than 60 acres ; " and also to inquire what other encroachments have been made. The four officers reported that they had visited the commons of Haslingden on 27 May and " diverse dayes and tymes sythence," and found that the acreage improved by virtue of the commission of Philip and Mary contained " in surplusage over and above threescore acres . . . twenty-two acres one Rod land and twenty falls." This additional area was then held by twenty-one persons in the following proportions (see next page).

Commenting on these usurpations of royal land, the commissioners observed that the large parcels, that is, those of the first five holders above-named, were situated in parts of the waste remote from the town of Haslingden, " in verie barren and unfruitfull soyle," whereas the smaller encroachments were near the town and " in farre better soyle," so that, " havinge regard to the qualitie of the land and yerely value," they conceived the portions to be " verie equal."

[1] Dy. Lanc. Spec. Comm., No. 1008.

In one respect these encroachments are not quite in the same category as those revealed by the four commissions previously dealt with, inasmuch as they were not isolated nibblings of the waste but apportionments in excess of those authorised by royal grant. The scope, however, of the second commission of 1616 comprehended all kinds of illegal enclosures and settlement made since 1557, and from our point of view the most important part of the investigators' work was the disclosure of a large number of sporadic encroachments and unauthorised buildings. The list of these [1] is significant in many ways. The smallness of the parcels is particularly striking. In a total of fifty-

	acres.	roods.	falls.
Raphe Asheton, esq.	5	—	10
Edwarde Rostorne, esq.	2	1	16
Roberte Hey	1	2	15
Christofer Bentley	4	1	—
Richard Duerden, junior	2	—	—
Raphe Holden, gent.	1	1	17
Adam Romsbothome	—	—	11
Andrew Holden	—	—	19
Roberte Barnes	—	—	4
Roberte Gregory	—	1	1
Roberte Haworthe	—	2	—
Anne Garsyde, infant	—	1	5
Raphe Risheton	—	—	4
John Hoyle	—	1	12
Roberte Kenion	—	3	3
Richard Duerden, senior	—	2	20
John Gregory	—	—	33
Hughe Tayler, junior	1	2	20
Francis Nuttall, gent.	—	1	24
James Romsbothome	—	—	36
Henry Aspinall	—	1	10
Total	22	1	20

nine parcels only one is as large as 2 roods, and only five more than 1 rood. The entire area encroached is less than 4 acres.[2] A few of the cases specified are cottages or cottages with small plots, probably squatter settlements. Numerous kilns, forges, turf-houses, oat-sheds and the like are included, mostly erected by tenants.

In the evidence which has been adduced relating to illegal enclosure in the Rossendale district certain facts stand out, which, though already noticed incidentally, may here be brought together. The first is that the movement proceeded piecemeal. Very few encroachments of more than an acre in extent have been found, and the appropriation of these little fragments of land seems to have gone on

[1] See Appendix B.

[2] The total of the areas in the third column of the table amounts to less than $3\frac{1}{2}$ acres, but these figures do not always include the sites of the buildings.

continuously during the second half of the sixteenth century and the early part of the seventeenth. The second point to be noted is that the process was carried on by both tenants and squatters. Penniless outsiders wander into the district in search of settlement, filch a bit of the waste and erect a rude hut which they hope will pass unnoticed. Perhaps they build a forge or a kiln and attempt to establish themselves as honest members of the community. The inhabitants already settled put up a barn, an ox-shed or a turf-house " for their necessary uses," or extend their farm buildings because their establishments have grown, being ignorant or regardless of their lord's rights. Or they take in additional closes and build an extra cottage or two which they sometimes let to poorer neighbours or to would-be settlers. Thirdly, we may recapitulate that these enclosures, though illegal, are not checked. When proceedings are taken they are not usually for the purpose of putting a stop to the practice, but simply to retain the lord's hold over the soil and to secure some, at any rate, of its enhanced value. That this is so we may conclude from the express statements made in the letters of commission as to the object of the inquiries into encroachments, and from the fact that, when discovered, the encroachments were not confiscated but let out at a rent, as well as from *a priori* considerations of the advantage accruing to the Crown from settlement upon the waste lands. But if further proof were needed, we may see it in two other investigations which were held in the locality during this period.

The object of these was to ascertain whether the commons were sufficient for the needs of the copyholders and freeholders of the manor, and how much, if any, " might be spared and improved for the king's use." The first inquiry was held in 1547.[1] The depositions made by the inhabitants are not very reliable, as the estimates of the acreage that could be spared vary from 100 to 240 ; but the commissioners themselves were of the opinion that 100 acres might be improved without prejudice to the tenants. The second investigation was made in 1553, and formed part of the inquiry of that year which has been referred to above.[2] On this occasion the inhabitants examined were more unanimous, and agreed in stating that the total area of Haslingden waste was 1240 acres, of which they thought 240 might be taken without impairing their common rights.

It is curious that these two commissions should be appointed at the beginning of the reigns of Edward VI and Mary respectively, as if the new governments under these sovereigns were embarking on a policy of developing the demesne lands of the Crown. So far as Rossendale is concerned, however, there is no evidence to show that any active steps were taken in that direction in either reign. Nevertheless, that

[1] Dy. Lanc. Deps., I, 49, H 1, 1*a*. [2] *Ibid.*, I, 66, R 4. See above, pp. 61-62.

the inquiries should be held is an indication that the possibility of letting the wastes was before the mind of the authorities. The Statute of Merton, as already mentioned, and its extension in the second Statute of Westminster, 1285, empowered the lord of the manor to enclose the residue of the waste beyond the requirements of those entitled to use it, and we know from contemporary writers that many lords were actually enclosing their waste lands, and even restricting the commons of their tenants.[1] What was more natural to an administration seeking to augment its revenues than that it should follow so profitable an example ?

V. Perhaps the nearest approach to the exercise of this power in the locality is seen in a couple of grants by letters patent [2] to Robert Holden, esq., of lands and messuages in Haslingden ; but these were made in the two succeeding reigns. The first, consisting of about twelve tenements with a total area of 23½ acres and 36 falls of land, was bestowed by Queen Elizabeth in 1586. The other grant was made by James I in 1614, and comprised the following five lots :—

(1) 8 messuages, 8 gardens and 8 or 9½ acres, 40 falls.
(2) 1 messuage, 1 garden and 28 falls.
(3) 1 garden containing 6 falls.
(4) 1 messuage, 1 garden and 4½ falls.
(5) 1 garden containing 2½ falls.

All the tenements of both grants, however, were in occupation when Robert Holden received them, so that possibly once more we have a number of encroachments in small parcels. If that is so, we may conclude that the machinery of letters patent was in these instances employed to approve what was legally, though not actually, the waste or unimproved land of the lord of the manor.

To sum up : The history of Rossendale in the sixteenth and seventeenth centuries throws valuable light on the methods by which land subject to common rights passed into individual occupation and unoccupied land became settled. It shows in actual working one side of the enclosure movement—a side that is not a violent interruption of existing conditions, but the natural continuation of a process that had been going on, albeit much more slowly, for two or three hundred years. The changes that occurred were not a revolution, but a development. Though, like the enclosure of open arable fields, they were a response

[1] *E.g.*, Fitzherbert, *Surveying*, 20 : " The lords have enclosed a great part of their waste grounds and straightened their tenants of their commons therein " (quoted by Gonner, *Common Land and Enclosure*, p. 51).

[2] " Rental of the Manor of Accrington " as compiled by Inquest taken in 1662, and printed from Christopher Towneley's MS., Honor of Clitheroe, p. 145, in *Clith. Ct. R.*, III, pp. 419 *et seq*. These grants must have been in fee, since copyholds cannot be created by letters patent.

to the urge of economic forces, yet they were not carried out by great men who wished to substitute one kind of farming for another, but by little men who felt the need or the desire to obtain wider scope and greater freedom in practising the traditional methods of husbandry. Communal agriculture had probably never existed, even in the old vills of Haslingden and Accrington, in quite the same form as is found in the mediæval manors of other parts of England. For example, there is no decisive proof of open arable fields in either township. Yet the rural economy of the district was partially conducted on communal lines. Now, with the growth of population and the pressure of competitive conditions, we observe that the possession of land in common was giving place to individual ownership. The copyholders divide their common pastures among themselves or they consent to parts of it being alienated and held in severalty ; while, after the beginning of the sixteenth century, no new pasture is carved out of the waste for the common use of groups of settlers, though bits of the waste are extensively appropriated by both old inhabitants and newcomers.

CHAPTER III.

THE TRAFFIC IN LAND AND THE SUBDIVISION OF HOLDINGS IN THE SIXTEENTH CENTURY.

Our investigation of the process by which the bleak and unoccupied moorland of Rossendale was brought under cultivation has established the fact that the reclamation was the work of a large number of individuals—in one way or another, of practically the whole body of inhabitants—who continuously took small parcels from the waste or common pasture lands. In many cases these little plots must have constituted the entire landed property of the several tenants. In others, they only added a little to what were originally small holdings. It will be the primary object of this chapter, while examining the system of land tenure, to trace how the larger properties came to be subdivided until almost the whole district was cut up into small tenements.

Nearly all the occupied lands of the manor of Accrington in the sixteenth century were customary lands, that is to say, they were held subject to the custom of the manor. With regard to some of them, we know exactly how they became so. As we have seen, throughout the sixteenth century it was the practice to grant newly-enclosed lands by copy of court roll. At the beginning of that period, too, the older settlements which had developed out of the booths and pastures in the forests of Accrington and Rossendale had, by royal edict, been converted into copyhold tenures. Many of these new creations, including all the vaccarial lands, came to be distinguished from the other customary tenements by the title "new hold."[1] On the other hand, as to the precise manner in which the old copyholds came into being, we are reduced to conjecture; nor can we explain how the particular customs which governed both the old and the new hold tenures alike originated.

In the survey of the Lacy estate made in 1311 the inhabitants of the two vills of Haslingden and Accrington are classified under

[1] For the distinction between copyholds of the new hold and those of the old hold, see Appendix C.

three heads, namely, free tenants, tenants at will, and villeins.[1] Exactly what was the legal status of the " free tenants " in the fourteenth century, it is impossible to say. If they had ever been freeholders in the modern sense of the term, their condition by the sixteenth century had been seriously degraded, for, as soon as we get records relating to the disposal of their lands, we find that these pass, in the manner of copyholds, by surrender and admittance in the lord's court.[2] More probably they belonged to that class of manorial tenant which is usually designated " customary freeholders."

The tenants at will comprised those who had been granted parcels out of the lord's demesnes or wastes. Many small pieces of land were thus improved during the thirteenth, fourteenth and fifteenth centuries, so that these holders soon came to form the largest of the three classes in the vills of Haslingden and Accrington. It is probable that each grant was recorded in the court rolls, but as unfortunately scarcely any of these manorial records before the time of the first Tudor king have come down to us, we know little of the terms on which the earlier approvements were made, save that they were usually let at the rate of fourpence an acre. In the fifteenth century, however, the new enclosures were granted as customary lands, for the Ministers' Accounts of the Honor,[3] in detailing the rents received from them, are careful to state that they are held *secundum consuetudinem manerii*.[4] Possibly by the same time the older approvements had been assimilated to the same form of tenure.

The same paucity of early documentary evidence restricts our knowledge of the third class of inhabitants, the so-called " villeins." The actual size of their holdings, the amount of their labour services (if they had ever rendered any), and the other incidents of their tenure are veiled in obscurity. The fact that in 1311 certain payments were due from them as " recognisances of villeins " may possibly indicate that they had once owed services which had been commuted. But villein labour was usually connected with demesne farming, and, so far as Haslingden at least is concerned, there is no evidence that the lord of the manor had ever cultivated any demesne in the vill. All

[1] See Chapter I, pp. 36-38.

[2] See the leases of parts of the " free tenancy " of Holden, *Clith. Ct. R.*, III, 189, 196, 251, and below, p. 89. Witnesses examined by a commission appointed to inquire into concealed lands in Haslingden in 1584 stated that the " demesne " of Holden was copyhold (Dy. Lanc. Spec. Comm., No. 360).

[3] Of these an almost continuous series has been preserved from the time of Henry VI.

[4] " Et de ijd. de redditu dimidii acre terre dimissi Ricardo Wolfanden tenendi secundum consuetudinem manerii " (Dy. Lanc. Mins. Accts., Bdle. 89, No. 1634; 18-19 Hen. VI). " Et de ijd. de novo redditu Georgii Wadyngton pro ij rodis terre de vasto domini Regis in Hasellyngden unde una iacet in helmcrofte vocata Galshawghlache et alia ex parte australi de Helemcrofte Tenendis secundum consuetudinem manerii pro redditu predicto ut in rotule curie anni proximi precedentis " (*ibid.*, Bdle. 77, No. 1509; 29-30 Hen. VI).

that we know of the relations of the lord to the villein community here is essentially different from the relations which subsisted between the lord and the inhabitants of the isolated midland and southern manor, with its home farm which they had to help to cultivate. For the vill of Haslingden was not a self-contained manor, though sometimes styled a " manor " in the records. It was one of three communities three or four miles distant from each other composing the manor of Accrington, so that, apart from considerations of climate and soil, conditions were not favourable to the establishment of a central demesne to which the tenants would be required to contribute weekly services. The members of the community would, of course, be dependent, and might even, if the vill dates back to pre-Norman times, at one time have rendered some sort of labour service. But this would not be week-work, though it might be boon-work such as reaping hay ; and it would not necessarily be rendered as a condition of holding a certain amount of land, but might well have been a personal service due simply because the " villein " was the man of his lord, and a relic of a state of society more primitive than Anglo-Norman feudalism.[1] Hence the " recognisances " of 1311 may not have been commuted service-rents, and the usual derivation of copyhold payments may not here apply. Yet it seems clear that the holdings of this class were converted into copyholds. After the early fourteenth century the term " villein " is never used in reference to any section of the inhabitants, and by the fifteenth century almost all the occupiers of land in the vill seem to have been rent-paying tenants holding their tenements by the custom of the manor. It would appear that the feudal lords, for the sake of simplicity of administration, had sought to reduce all forms of tenure to a single type. In such a proceeding there would be obvious advantages. The vills of Haslingden, Accrington and Huncoat, while constituting the manor of Accrington, were part of the larger unit known as the Honor of Clitheroe, and that again was only a portion of the feudal superior's landed possessions. The lord himself could not personally attend to every part of his estate, and the Honor of Clitheroe was managed by a steward. The regular absence of the lord and the extent of the property to be administered would make the payment of money rents in lieu of labour both more convenient to the manorial authorities and more satisfactory to the tenants, and the work of the steward would be greatly facilitated if all the latter held their lands on the same conditions.

However that may be, the circumstance that practically all the land in the manor of Accrington was held by one form of tenure [2]

[1] See the important article on " Northumbrian Institutions," by J. E. A. Joliffe, in the *English Historical Review*, Vol. XLI, No. clxi, Jan. 1926.

[2] There were apparently a few lands absolutely freehold, *e.g.*, Cockham (the Rossendale Golf Course) between Bridge End and Ewood Bridge (Dy. Lanc. Deps., II, 23 Eliz. 59 ; Dy. Lanc. Spec. Comm., 360).

greatly simplifies our inquiry into the wider diffusion of real property which was a marked feature of the developments subsequent to the decree of 1507. Whether an estate had been originally granted by copy or not, whether it had been in the first instance " free " or " unfree," a customary holding or a tenancy at will, it was now enjoyed in accordance with manorial customs; and whatever legal distinctions may have separated customary freeholds from copyholds, these differences amounted to very little in practice, and for all practical purposes we may, as the court rolls regularly do, regard all the tenants of the manor as copyholders, subject to the same rules and regulations concerning their properties. All alike by the custom owed suit and service at the lord's court and at the lord's mills. All alike had to obtain the sanction of the lord's court (which, however, could not be refused except in accordance with custom) for the transfer of their holdings. On the other hand, all alike were protected in their estates against the lord, as well as against all other offenders, by the customs of the manor.[1] To such of these usages as are necessary to elucidate the nature of the transactions in land which took place in the sixteenth century we must now turn.

The earliest statement extant of the customs of the Honor of Clitheroe (which are applicable to all the constituent manors) was drawn up in 1402,[2] shortly after the accession of Henry of Lancaster. The inquiry which led to their enumeration was doubtless connected with the new king's resumption of his confiscated patrimony.[3] From this time until the Restoration the Clitheroe estates, as part of the Duchy of Lancaster, continued to be held by the sovereign, but in 1661 Charles II transferred them to the Duke of Albemarle, a change of ownership which provided another occasion for ascertaining the customs of the Honor.[4] Neither tabulation seems quite to cover all the traffic with which we shall have to deal. The second is longer and more detailed than the earlier, marking the increase in the complexity of tenurial relationships and the greater need for precision therein which the lapse of time had brought about. The period with which we are at present concerned, namely, the sixteenth century,

[1] Legally this had not always been the case. The courts of common law at first protected only freeholders, refusing to interfere between the lord of the manor and his copyholders or tenants at will, but they gradually came to recognise the position of copyholders and to enforce the customs of the manor even against the lord. See Tawney, *Agrarian Problem*, 124-31, and Digby, *History of the Law of Real Property*, 245, 247.

[2] The Custumale of Blackburnshire, 3 Hen. IV; Whitaker's *Whalley*, I, 265-7.

[3] The Honor of Clitheroe had passed to Thomas, Earl of Lancaster, through his marriage with Alice de Lacy, in 1311. Thereafter it became part of the estates belonging to the Duchy of Lancaster, ultimately descending to John of Gaunt, Henry of Bolingbroke's father, on whose death in 1399 the Duchy was seized by Richard II.

[4] Copies of the customs in Charles II's reign (though differing in date and arrangement) are printed in Whitaker's *Whalley*, I, 292-5, and *Clith. Ct. R.*, I, 478-81.

stands just about half-way between the dates at which the customs were respectively recorded; and, as it was a time when a great many holdings were changing hands, and when new tenements and new interests in land were being created, we may reasonably suppose it was the period during which those conditions were being evolved which rendered a fuller and more explicit body of regulations necessary. It is unfortunate that we have no custumal compiled during this age of development. In the absence of such a record, we shall have to rely chiefly on the tabulation of 1402, having recourse where necessary to the list of the Restoration epoch in order to explain certain developments which were taking place in the meantime.

Copyholders of any manor in the Honor of Clitheroe might enjoy their lands as estates in fee, for life or lives, or for terms of years. They were free to alienate their holdings by sale, exchange, mortgage, or otherwise, or to sublet them; but in the case of alienation they could only transfer their property by adopting the formality of a surrender into the hands of the lord, who made a regrant to the alienee.[1] Copyholders might also will their lands by surrendering them to the uses of their wills. The surrender might be made either by the surrenderor in person to the lord or his Steward in the Halmote, or through the Steward, the Greave, or any other copyholder of the manor out of court, in which case it had to be completed at the next Halmote.[2] The act of surrender was effected symbolically by the use of a rod. The surrenderor took hold of the rod at one end while the lord's Steward, the Greave or other copyholder held the other, and the repetition of a prescribed form of words signified the passing of the

[1] Apparently by the earlier custom a copyholder might sublet for any period without surrender to the lord, but by the later leases for more than a year and a day were forbidden without surrender and fine. Compare the following statements of custom, the first from the custumal of 1402, the second from that of 1668: "Item, dicunt quod bene liceat cuilibet tenenti secundum consuetudinem predictam omnia terras et tenementa sua que tenet de Domino secundum consuetudinem predictam ad firmam dimittere racionabili tenenti absque fine aliquo modo cum Domino faciendo." "That a Copyholder may not lett his Copyhold lands for a longer time than a yeare and a day without Surrender."

[2] Observe the slight modification of the usage relating to surrenders implied by the following descriptions: (*a*) 1402: "Item dicunt quod quilibet talis tenens potest in manus Domini sursum reddere terras et tenementa sua que tenet secundum consuetudinem manerii ad opus cujuscunque sibi placuerit in presentia Senescalli Domini ibidem, tam in curia quam extra curiam, ac eciam in absencia Senescalli in manum Prepositi ibidem, vel in manum alicujus vicini sui ad proximum halmotum ulterius tenendum;" (*b*) 1668: "That a Copyholder may Surrender his Copyhold lands in this Mannor (*viz*t.) by Rodd in person, or by lawful Attorney by writeing before the Steward in open Courts, Or out of Courts by the Steward, by the Grave, Or by one or two Customary Tenants of the same Mannor; & alsoe by the Rodd by words without writeing: That a Surrender legally made out of the Court, ought to bee presented into the Court at or within the Third Court after the Surrendring thereof, otherwise it becomes void."

surrenderor's interest.[1] Any surrender made out of court had to be presented at the next Halmote,[2] otherwise it became void. After the presentment or surrender in court had been made, the Steward ordered three proclamations to be made inquiring whether anyone " forbade fine," that is to say, whether anyone forbade the " ending " or completion of the transfer by the admittance of the party to whose use the premises had been surrendered. Whereupon, if any person claiming interest in the property, such as right of dower or of occupancy for any period, came forward to stay the admittance, the surrenderee was required to find one or more copyholders of the same manor to act as pledge that he recognised the claim or would answer it in a pleading if he contested it ; otherwise the admittance was postponed. This guarantee being given, the surrenderee, on paying the customary fine or fee of one year's rent " and no more," was formally admitted and entered in the court rolls as the copyhold tenant.

On the death of a customary tenant his estate, if not previously surrendered to trustees, descended to his nearest heir in the same manner as the lands of a freeholder at common law, subject to the claim of the copyholder's wife to one-quarter of the estate as her dower or free bench. If a tenant died leaving no sons but two or more daughters, his property descended to them all as joint owners or coparceners. The heir or heiresses had to appear either personally or by proxy within three halmotes after the death of their predecessor to be admitted and to discharge the fine.[3]

Except for the necessity of complying with certain formalities incidental to the conveyance of all copyholds, the customary estates of the Honor of Clitheroe were practically as negotiable as freeholds. The ease with which the tenants could dispose of their property in any way they pleased no doubt accounts for the speedy growth of a traffic in land and the frequent changes of ownership which, in the Rossendale area at least, resulted in the diffusion of holdings among an increasing number of occupiers. At a time when in other parts the tendency was towards the elimination of the small holder and the creation of large farms, we see in our district, through alienation and

[1] The same formality was used until the Law of Property Act of 1922 abolished copyholds at midnight on 31 December, 1925. The Steward or other intermediary addressed the following formula to the tenant : " You surrender the premises comprised in this surrender by my hands by a rod into the hand of the lord of the manor to the uses herein declared," and the surrenderor replied, " I do " (Evidence of Mr. John Woodcock before the Select Committee of the House of Lords on the Copyhold Enfranchisement Bill (Honor of Clitheroe), 1887 ; Q. 2311).

[2] In the sixteenth and seventeenth centuries a surrender might be presented at any of the three succeeding Halmotes. See p. 74, n. 2.

[3] If this was not done, the Steward might enter into possession of the estate and hold it until the fine was paid. Whether he could demise the land to another is uncertain.

sub-alienation, the opposite process taking place. Our examination of the enclosures of the sixteenth century has demonstrated one way in which small properties arose. But the original holdings in the forests, which must have been of quite considerable dimensions, did not long remain entire. Partitioned for the most part into three, four, or five tenements at the approvement of 1507, they were successively subdivided until, in little more than a century and a half, they had increased fourfold in number. A comparison of the rent rolls of these properties compiled in the sixteenth and seventeenth centuries brings out the process in an unmistakable manner.[1] The 72 parcels of the original 23 settlements had become 101 parcels (mostly held by different tenants) in twenty years. Thirteen of the settlements showed an increase in the number of tenements. Twelve years later the total number of holdings was 110, an increase being registered on seventeen of the first settlements. By 1608, just a century after Henry VII's survey, the parcels had nearly trebled, only two of the booths and pastures remaining as in 1507. In 1662, when the manors of Clitheroe had passed into the hands of the Duke of Albemarle, the rental of the Honor showed that the 72 tenements of the " new holds " in Accrington and Rossendale had been divided into 315.

While occasional rentals and surveys establish the fact of subdivision, the continuous enrolments of the manor tell us more. As an almost complete land register of the locality from the beginning of the sixteenth century, the court rolls give us exact information as to how this disintegration took place. It is possible to take an original large tenement of 1507 and to trace its history and that of all the smaller holdings into which it was dismembered in the records at Clitheroe Castle down to the present day. It will be sufficient for our purpose to select a number of these first allotments almost at haphazard, and to see what happened to them during the first sixty or seventy years of their existence.

One of the most common ways in which a tenement was split up was by division among the children of the owner. Though the copyholds were estates of inheritance and would descend entire to the nearest heir on the death of the tenant, it happened quite as frequently that the copyholder divided his lands among his offspring as that his property was inherited as a whole by his heir. The desire which has so often prompted those who have acquired land to keep their estates intact and to " found a family " does not seem to have influenced the early landowners in Rossendale to any marked degree. Much more effective was the anxiety of a parent to see all his children, or at any rate his sons, provided with suitable homesteads. Sometimes he settled separate portions of his estate on his sons during his lifetime,

[1] See Appendix D.

though he retained possession until his death. Roger Pillyng, for example, the grantee of a quarter of the vaccary of Goodshaw, surrendered, in 1527, one half of his property to each of his two sons, John and James, reserving occupation for life.[1] Christopher Tattersall of Bacup Booth made a similar arrangement, though by conveyances at separate times. In 1532 he granted half of his estate to one son, and five years later he granted the second half, saving the occupancy of the capital messuage, to the other son.[2] In Wolfenden a farmstead with its appurtenances was divided equally between two sons in 1514 without any reservation by the father.[3] Another method of division was to convey one moiety of the premises to the younger son, the other, probably containing the capital messuage, being retained and descending to the elder son on the father's death. That happened in the case of one of the parcels of Bacup vaccary. Lawrence Lord, the original grantee, gave his younger son, James, half of his tenement in 1522. Three years later he died, and John Lord succeeded as "son and heir" to the remaining portion.[4]

No instance of partition among more than two sons has been traced, though provision for three or more children was not rare. One tenant in Tunstead had two sons and a daughter. He transferred the legal ownership of a moiety of his estate to his first-born son, actual possession to follow when he died, and later made a will in which the rest of the property was vested in four trustees for his two other children.[5] A more complicated example of disintegration is seen in the case of another parcel of the Bacup vaccary, which, after being halved between a son and a non-relative (?), was further subdivided by one at least of the new tenants amongst his issue. The tenement in question had been arrented in 1507 to John Whiteacre. According to the rental of 1527 half of it was then in possession of John Bridge, and in 1539 the same portion had passed to Christopher Bridge. Later court rolls show that between 1555 and 1567 the last-named tenant had apportioned one-sixth of his holding to each of two daughters, and one-fifth to each of two other daughters. Meanwhile, the other half of the original copyhold had been surrendered by John Whiteacre to his son James, who subsequently transferred a large part of it (reserving a life interest) to his son.[6]

These various dispositions by parents of their landed property are of great social importance. They imply the deliberate breaking up of

[1] *Clith. Ct. R.*, III, 57.

[2] *Ibid.*, 78, 94. The latter grantee in 1561 surrendered a part of his share to his son (*ibid.*, 225).

[3] *Ibid.*, 23.

[4] *Ibid.*, 41, 50.

[5] *Ibid.*, 36, 86. This partition, however, was only temporary, as the second moiety was to revert to the elder son on the death of the two beneficiaries.

[6] *Ibid.*, 92, 180, 223, 242, 243, 266, 405, 414.

inheritances contrary to the custom of primogeniture which governed the descent of real property in case of intestacy. They are indications of a sort of natural tendency in favour of partibility, of which other manifestations appear in various parts of the world and at different ages, and which, in the case of Western Europe, seems to have been interrupted by the special conditions of feudal and manorial tenure. The tendency is seen in the systems of family ownership among primitive communities, where equal division among children took place when families of three or four generations ceased to hold together.[1] The Welsh custom of partition among sons, which was probably nearly universal in Wales until the Edwardian Conquest and continued in active operation till 1535,[2] developed out of the earlier method of tribal division. Among the ancient Jews and in ancient Greece the law prescribed partition among the males of the first degree of kinship, while in ancient Rome, by the Law of the Twelve Tables, all the children were heirs to their father's estate.[3] Tacitus tells us that among the Germanic tribes, a man's land on his death went first to his children, then to his brothers and afterwards to his uncles.[4] In Anglo-Saxon England it is believed that the property of free tenants at least was divisible among sons.[5] But, with the introduction of feudalism and the growth of the manor, the interests both of the lord and of the tenant operated powerfully to keep the military fiefs of the vassals and the agricultural holdings of the lesser tenants undivided. In England, at least, a rigid rule of impartible succession came to be adopted by the thirteenth century, and the courts of law required proofs of the existence of a special custom to the contrary (*e.g.*, the custom of gavelkind outside Kent) before they would allow any departure from the primogenital

[1] Miss E. J. Simcox (*Primitive Civilisations*, II) has an interesting description of a Chinese system of family ownership (particularised by a history of the Wang family) with ultimate division of the inheritance when the children of the younger sons begin to grow up. "Among the Hindoos," says Maine, "the instant a son is born he acquires a vested right in his father's property, which cannot be sold without recognition of his joint ownership. On the son's attaining full age, he can sometimes compel a partition of the estate, even against the consent of the parent; and, should the parent acquiesce, one son can always have a partition even against the will of the others" (*Ancient Law*, Chap. VII. Everyman edition, p. 134).

[2] Palmer and Owen: *Ancient Tenures in N. Wales*, 38-9. "Gavelkind" in Wales was abolished by statute, 27 Hen. VIII, c. 26.

[3] Elton and Mackay, *Robinson on Gravelkind*, 12-14.

[4] *Germania*, c. 20. By the Lex Salica a dead man's land descended to his sons (Pollock and Maitland, *Hist. of Eng. Law*, II, 248).

[5] Pollock and Maitland, *Hist. of Eng. Law*, II, 261-2. Sir Frederick Pollock says that the "prevailing type" among the Anglo-Saxon customs of inheritance was equal division among sons (*Expansion of the Common Law*, 158). William the Conqueror's charter to London provided that the children of an intestate should inherit equally. Even in Glanville's time (end of twelfth century) the free sokeman's land was divided among his male children if it had always been partible (Elton, *Origins of English History*, 204, quoting Glanville, VII, 3).

succession to the estate of an intestate.[1] Thus it came about that the division of an inheritance among children, which at one time had probably been the customary course of procedure, had now to be effected by special measures to prevent the patrimony from passing by law entire to the eldest son.[2] The right of partible inheritance (except in certain cases) had gone ; to secure a share of his real estate to each of his children, a parent had to make settlements in his lifetime or to demise portions by will.

The examples given above may, therefore, be regarded as a reversion to the natural law of subdivision resulting from the growth of population in an agrarian community. Professor Unwin has called attention to a similar development during the thirteenth, fourteenth and fifteenth centuries in Suffolk, where a number of villein units were sundered into many small holdings as the result of domestic arrangement, at a time when the rigidity of the manorial system was being relaxed.[3] Where the considerations which rendered impartibility necessary no longer obtained, family sentiment might reassert itself. So in the sixteenth century Rossendale, where those considerations were absent, where mediæval manorial traditions were weak or non-existent, and where there were no great landlords with pride of ancestry to maintain, the main concern of a parent was to endow all his children—certainly his sons—with the means of earning a livelihood. The flexibility of the system of tenure gave him the opportunity of doing this, and the result was to increase the number and diminish the size of individual holdings.

There was one case, however, in which equal provision for a proprietor's children followed without the necessity of any special arrangement. That occurred when the owner died leaving daughters but no sons. At common law and by the custom of the manor, the heiresses took his estate as coparceners, that is to say, they held it in common, each taking a proportionate part of the profits.[4] The share of each

[1] Elton, *Origins of English History*, 207. Elton and Mackay, *Robinson on Gavelkind*, 20.

[2] In this respect England is peculiar. In most European states the law compels the division of at least part of the inheritance in case of intestacy, and in some (*e.g.*, Bavaria) even requires the parent to bequeath a certain proportion of his estate to his children ; though often the eldest son may take all the land if he compensates his brothers and sisters. After surveying the various systems of the law of descent in Europe and America, the Hon. George Brodrick says : " In no considerable State but our own does the law itself, in default of a will or settlement, constitute the eldest son the sole heir to all the realty, and in no other is the exclusive preference of the first-born, thus consecrated by law, carried to such extreme lengths in family government " (Essay on " The Law and Custom of Primogeniture," *Systems of Land Tenure* (Cobden Club), p. 140).

[3] *V.C.H. Suffolk*, I, 642-6. *Cf.* Tawney, *Agrarian Problem*, p. 79, n. 5.

[4] Thus when Ralph Holden of Baxenden died, his six daughters inherited his estate of two messuages and lands as joint heirs (*Clith. Ct. R.*, III, 221).

descended to her heirs, but, if one died without issue, her share, unless it had been otherwise disposed of during her lifetime, passed to the survivors. Thus if three sisters inherited lands and one died without children, the other two divided the profits of the whole property. But it was permissible for the coparceners at any time by agreement to divide the estate equally among them, or for any one of them by a writ of partition to compel division.[1]

An illustration of partition between heiresses is seen in the case of one of the parcels of Wolfenden Booth, which is interesting for the further reason that it shows the process of disintegration continuing after the division between the coparceners. The parcel in question had been granted to Nicholas Ashworth, on whose death in 1515 it descended to Jenet, Ellen and Christian his daughters. In 1534 the two survivors, Jenet and Christian, agreed to divide the estate between them. They surrendered half of it to four trustees to the use of Jenet and her heirs, and the other half to the use of Christian and the uses declared in her will. Twenty-four years after this partition the second moiety was itself cut into two, though not equal, portions. Christian had, in 1540, made over her share to William and Ralph Taylor as joint-tenants. William died, and Ralph, as the tenant of the whole, subsequently gave about a quarter of the premises to his son Nicholas, and the remainder (reserving to himself occupation for life) to William Taylor, presumably another son.[2]

Division into aliquot parts is to be expected where an estate is to be shared among the children of the proprietor or among co-owners. It is not so natural when property is to be dispersed among other than relatives of the alienor. Yet it sometimes happened in our district. Edmund Shaw was granted a quarter of Wolfenden Booth in 1507, and in 1527 he still paid rent for it; but the rental of 1539 showed that his holding was evenly divided among Gilbert Holden, John Ormerod and Thomas Wolfenden.[3] A parcel of Tunstead, too, went in equal portions to non-relatives. The first occupier was Henry Durden. In 1539 half the rent was paid by John Law as copyholder in fee, and half by Robert Penhulton, apparently as sub-tenant. Finally, the grandson of the original holder sold the second moiety immediately after inheriting it.[4] Nor was the process of dismemberment confined

[1] Digby, *History of the Law of Real Property*, 236; Holdsworth, *History of English Law*, III, 19, 127. An attempt to enforce a partition was made in 1537 in the case of a small tenement in Hoddlesden called Huntbutts, by Isabel, the wife of Henry Robert, against her sisters Agnes and Elizabeth Ratclyff. The defendants failed to answer the plea and were each amerced fourpence. The suit was apparently not prosecuted further, for nine years later the three sisters leased the holding for a term of thirty-nine years to one George Holden (*Clith. Ct. R.*, III, 92, 137).

[2] *Ibid.*, 26, 85, 107, 166, 204-5.

[3] *Ibid.*, 406, 414. The court rolls show that Edm. Shaw had surrendered one-third of his land to Roger Ormerod in 1529 (*ibid.*, 67).

[4] *Ibid.*, 37, 39, 202-3, 405, 414.

to the large estates into which the old vaccaries had been divided. We find evidence of it among the smaller parcels which had been enclosed from the Forest. When the holding of Richard Britwesill had been carved out of the waste the records do not show, but the court roll for 1513 informs us that he "surrendered certain parcels of land in Wolfenden of the yearly rent of 6s. 4d." to one man and "other premises" of the same rent to another.[1]

Besides the dissection of whole estates into equal portions—two halves, three thirds, and so on—there was also much severing of irregular fractions from inheritances, especially by way of alienation to strangers. This will be apparent later when we come to deal with the question of sales and leases. Though often the segments went to individuals already established on the land,[2] and the diminution of one holding only meant an enlargement of another, it can scarcely be doubted that disintegration of this nature assisted in the multiplication of tenements. Squatting on the unoccupied waste was not the only way in which a "foreigner" might acquire a settlement in the locality; he might have sufficient means to purchase a plot already brought into cultivation. Again, a father of many sons might conceivably prefer to establish one of them on the land of another person willing to sell than to reduce the share of them all by an equal division of his own property. The ways in which detached parcels might form or help to build up independent holdings are varied. An interesting example is possibly that given in the records of the Halmote held on 23 May, 1516, where three copyholders named Heype, James, Henry and Richard, each transferred 1½ acres from their tenements to another, Miles Heype—perhaps three brothers setting up a fourth on a little farm.[3]

Before leaving this part of our subject we may review briefly the history of an estate in Haslingden known as Carter Place, which provides a striking illustration of the way in which large properties came to be subdivided. This estate, consisting of two messuages and 54 acres, was originally granted by the Crown under a copyhold rent of 18s. to certain feoffees in trust for the maintenance of a priest at the Free Chapel of Rossendale. In 1550 the reversion of the premises, which were then occupied by Richard Durden, Richard Hey, Lawrence Hey, Ralph Ryscheton and Richard Tailyor, was given to Roger Gartsyd and his heirs. The following year one of the messuages and 27 acres were surrendered by Gartsyd to Robert Haworth of Roclyff,

[1] *Clith. Ct. R.*, III, 20.

[2] As when Edmund Shaw, owner of part of the vaccary of Wolfenden Booth and other lands surrendered "a portion of land in Wolfenden and 2s. 1½d. rent" to the use of John Law in 1527 (*ibid.*, 61). The surrenderee had previously acquired other property in the same part of the Forest. See below, p. 91, n. 1.

[3] *Clith. Ct. R.*, III, 29.

while two parts of the other messuage with other buildings and 18 acres passed to James Whittacre of Bacup, and the third part with other buildings and 9 acres went to Lawrence Tailyor of Tottington. By 1559 these three tenements had been increased to eight. The properties held by Robert Haworth and James Whittacre were broken up in the following proportions: Ralph Ryscheton, in 1553, acquired the holding of 9 acres which he had hitherto occupied as sub-tenant; Francis Gartsyde and John Nuttoo of Newall Hey, in 1557, purchased the 9 acres tenanted by Lawrence Hey (which they surrendered in the following year to John Magnolles), and the 3 acres in the occupation of Richard Hey, which they afterwards surrendered in equal portions of $1\frac{1}{2}$ acres to Henry Hey and James Hey; Hugh Tailor of Etynffeld obtained the messuage of 9 acres occupied by Richard Durden in 1559; and the remaining 15 acres were retained by Robert Haworth. Meanwhile Lawrence Tailor had disposed of half of his holding of 9 acres to Richard Tailyor. Though these changes of ownership were all duly fined for and recorded in the rolls, the various holdings, for some reason which is not apparent, were included in the list of concealed and encroached lands discovered by the commission of 1561,[1] and, when the tenants were formally admitted in the Halmote in 1563, the whole settlement was found to be split up into two parcels of $1\frac{1}{2}$ acres, two of $4\frac{1}{2}$ acres, three of 9 acres and one of 15 acres.[2] The following table shows the process of subdivision at a glance (see opposite page).

The example just given is especially interesting, because it gives us the actual area of the original estate and of its subdivisions. It is unfortunate that we have no record of the size of the vaccaries or of the parcels into which they were dissected; even the rents as fixed in 1507 afford no indication of their magnitude, as they were not based on acreage: and, in the case of other properties, the area is not always stated in the records, though it may sometimes (especially in the case of new enclosures which were rented at fourpence per acre) be calculated from the rent. As a consequence, we are unable to ascertain whether there was a tendency to the formation of holdings of any particular size or sizes. There is no room for doubt, however, as to the fact and method of subdivision, and we may safely conclude that small farms were speedily becoming the rule. The survey of the possessions of Whalley Abbey, after their confiscation by Henry VIII for the treason of the abbot in taking part in the Pilgrimage of Grace, supports this conclusion. In Accrington there was a sub-tenant of the monastery with a house and 12 acres of land. In Rossendale, besides the tenant of the corn mill there were two sub-tenants, holding respectively a barn and 10 acres of land and a house, garden and 4 acres.

[1] See Chap. II, pp. 62-3.

[2] *Clith. Ct. R.*, III, 157, 161, 171, 197, 200, 201, 211, 237, 238. The "17 acres" stated on p. 161 to be surrendered to Robert Haworth is an error for 27 acres.

TABLE VIII.

Subdivision of Carter Place Estate in Haslingden, 1550-63.

1550	1551	1553	1557	1558	1559	1563
Roger Gartsyd, 54 ac.	Robt. Haworth, 27 ac.	Ralph Ryscheton, 9 ac.				Ralph Ryscheton, 9 ac.
			Francis Gartside and John Nuttoo, 12 ac.	Hy. Hey, 1½ ac.		Hy. Heigh, 1½ ,,
				Jas. Hey, 1½ ,,		Jas. Heigh, 1½ ,,
				John Magnolles, 9 ,,		John Mankynholles, 9 ,,
					Hugh Taillor, 9 ac.	Hugh Taillor, 9 ,,
					Robt. Haworth (kept), 15 ac.	Robt. Haworth, 15 ,,
	Lawr. Tailyor, 9 ac.	Rich. Talior, 4½ ac.				Rich. Tayllor, 4½ ,,
		Lawr. Tailyor (kept), 4½ ac.				Lawr. Tayllor, 4½ ,,
	1551, 3 tenants.				1559, 8 tenants.	1563, 8 tenants. 54 ,,

In Rochdale parish the Abbey had very considerable possessions, including thirty farms in Whitworth, Tonge End, Rockcliffe and Brandwood, lying within or on the borders of the Rossendale area. Of these, three were holdings of 31 acres, two being apparently in the hands of one tenant, thirteen ranged between 15 and 26 acres, eight between 10 and 13 acres, while six contained less than 9 acres.[1]

Except in the case of the lands of Whalley Abbey, we have been dealing so far with properties held directly from the lord of the manor. So far as the rolls have enabled us to ascertain the nature of the conveyances, the parcels split off from the principal tenements have been surrendered to the new owners in fee. It is true that some of these transfers, though involving alienation in the eye of the law, did not mean a change of occupant. When a father made over the legal possession of his estate to his two sons in equal halves, but retained occupation for his own life, economically there was no immediate modification of the tenancy; but ultimately two smaller tenants replaced one larger tenant. Generally speaking, it may be said that the changes in legal ownership above described were accompanied, or soon followed, by an alteration in the economic position of the owners of the land. And the connection is not accidental. For though changes in legal ownership may sometimes precede alterations in the actual economic tenure, both were the effect of the operation of the same economic forces. On the one hand, the growth of population was making a wider diffusion of landed property necessary at a time when difficulties of transport made the home production of food an essential part of industrial economy in an area scarcely touched by the growing commercialism of the east and the south; and, on the other hand, a rising domestic woollen industry, which we shall see to be in evidence at this time, made the management of large farms difficult and undesirable. Thus, in this small locality, changes in legal tenure were merely the expression of changes in economic conditions, just as in the wider sphere of national life agrarian legislation by Parliament was but the outcome and the expression of far-reaching modifications in the industrial and commercial activities of the people.[2]

But the economic diffusion of land in Rossendale in the sixteenth century was even wider than the changes in legal ownership would indicate. A quite considerable amount of land was being let to sub-tenants by those in legal possession. This fact does not appear in the rentals of the Honor, for the rents were usually drawn from the immediate tenants of the lord. Nor does it always find evidence in the court rolls, for sub-letting from year to year did not need to be presented in the Halmote. But in many cases, perhaps for the pur-

[1] *Whalley Coucher*, IV, 1218-30.

[2] The influence of economic development on the law of real property is repeatedly emphasised by such writers as Pollock and Maitland and Holdsworth.

pose of more exactly specifying the property, the records of the transfers include the names of the occupiers as well as those of the copyhold tenants. For instance, we read that in 1546 Richard Heipp, Greave of Rossendale, surrendered into the hands of the lord (1) a parcel of land called Narre Hall Hyll, in the occupation of John Nuttoo, on the south side of the King's Highway; (2) a house and another parcel of land called Farehalhill in the occupation of John Oldam; and (3) a house and a garden with a parcel of land called the Fold in the occupation of Thomas Pecopp, all of which John Nuttoo delivered to him to the use of Christopher Hergreves of Heigh Ryley.[1] Here it is clear that the surrenderor held three tenements, only one of which he occupied himself, the two others being sublet. Besides many other cases which might be quoted similar to this, all the ecclesiastical lands in the district were farmed. Some of the endowments of the Abbey of Whalley rented by sub-tenants have already been mentioned. To those may be added one or two other properties held by the abbot as Crown tenant and let to occupiers at a profit. One was a farm called Calf Hey, part of the vaccary of Baxenden, which yielded a revenue of 13s. 9d. per annum over and above the copyhold rent of 7s. 1d. Another was the corn mill at Oakenheadwood, for which the abbot paid the king 13s. 4d. a year but for which he received from the miller 33s. 4d.[2] Other lands had been bequeathed or demised to trustees for the two chapels of Haslingden and Rossendale, by whom they also were let to farm.[3] Further evidence as to the existence of subtenancies is supplied by the commissions on enclosures dealt with in a previous chapter.[4] The encroachers were not always the persons admitted to the pieces they took from the waste, nor were the partitioners of common lands always those who cultivated or used the parcels enclosed.

In addition to this widespread practice of sub-letting from year to year, we have abundant evidence of subtenures guaranteed for longer periods—for definite terms of years or for lives. As already explained, when property was surrendered to the lord in the Halmote, those who had interest in it appeared to "forbid fine" until their interest should be acknowledged. Accordingly the "forbids" registered in the court rolls often reveal that occupation of an estate or of part of an estate has been granted by the tenant to some other person, though the legal ownership and the responsibility for the payment of the copyhold rent remains in the tenant. For example, when, in 1539, John Ormerod surrendered a messuage and appurtenances in Dunnockshaw (rent, 22s. 1½d.), and another messuage and appurtenances in Wolfenden (rent, 12s. 8d.) to his son and heir George Ormerod, two other sons, Roger and Richard, "forbade fine for certain covenants made by their

[1] *Clith. Ct. R.*, III, 141.
[2] *Ibid.*, 126.
[3] See, *e.g.*, *ibid.*, 159, 160, 162.
[4] See Chap. II, pp. 60-3.

father" that they should occupy certain parcels of the said premises during the lifetime of both their parents; while Oliver Ormerod (possibly another son) claimed occupation of the premises in Wolfenden for his own life.[1] It is manifest that John Ormerod's estate had, before this surrender, been subdivided—at least temporarily—into separate tenements in a manner which would find no indication in the lord's rent roll. So far as the actual working of the land was concerned, the property under John Ormerod's name in the rental was not one, but three or four holdings. And such arrangements were not confined to members of the same family; for when Christopher Tattersall transferred the legal possession of a messuage and other premises in Bacup Booth, Horelaw Head and Sowclough (rent, 27s. 6d.) to James Tattersall, not only did Christopher's son Thomas require pledges for a yearly rent of 3s. 4d. which his father had given him for life, but one "John Lord forbade fine for a certain parcel . . . according to certain indentures between Christopher Tattersall and the said James (*sic*) Lord, dated 1 February, 1536."[2]

What the precise nature of the "indentures," "covenants," or "articles" was we cannot always tell, but whatever the legal status of the occupiers, these arrangements operated very much as leases. In the cases above cited, Oliver Ormerod and Thomas Tattersall had what were virtually leases for life, while Roger and Richard Ormerod held their parcels as if by a lease for so long as their parents lived. The similarity to the modern form of lease is more apparent when occupation is reserved for a definite term of years, as in the following example:

> 1524. Richard Hergreves of Godshey surrendered a parcel of vaccary called Turnhill lying in Wolfenden (6s. 4d. rent by year) to Henry son of John Hergreves. Edward Pillyng forbade fine, by custom, *viz.*, for certain articles made between them for a term of 20 years.[3]

And when there is added the stipulation of what may be an economic rent, we have all the essential elements, if not the legal form of a lease:

> 1544. Nicholas Towneley and Gilbert Holden, gent., surrendered a moiety of messuages in the Lenche to John Scofeld and Oliver Ormerod for 40 marks. Yearly rent, 43s. 4d. Charles and Thomas Scofeld forbade fine, as they had the premises in their several occupation for life and afterwards to their eldest sons, who should severally pay to the said Oliver and his heirs 21s. 8d., to the use of the king and 8s. 4d. to his own use.[4]

[1] *Clith. Ct. R.*, III, 100-1. For a similar case, see *ibid.*, pp. 106-7.
[2] *Ibid.*, 94. "James Lord" is obviously a mistake for "John Lord."
[3] *Ibid.*, 47. For similar examples, see *ibid.*, pp. 73, 97, 104-5, 162 (*bis*), 194.
[4] *Ibid.*, 131-2; *cf.* 218.

From an examination of the various forms under which subtenancies for years or for lives are indicated in the rolls an interesting illustration emerges of that change in the custom of the manor regulating tenures which has been adverted to.[1] By the customs as placed on record in the seventeenth century, all subtenancies for longer than a year had to be created by means of surrender and fine. But until 1543 there is no evidence in the printed rolls of any lease being effected in this manner. The only way in which arrangements bearing the appearance of a lease are brought to light before that date is by the "forbids" or reservations entered in the roll when property changed hands. After 1543, however, terms of years and tenures for lives sanctioned by the formality of surrender and admittance become quite common, though for some time "forbids" continue to give evidence of the creation of such interests without fine.[2] Now, by the customs of the fifteenth century, the copyholders were at liberty to sublet their tenements without surrender,[3] and under such conditions the only indication of a subtenancy we could expect to find in the court rolls would be in some such incidental form as a "forbid." When, therefore, we see surrenders for leases entered by the Steward in the middle of the sixteenth century, may we not infer that at this time a new rule was being introduced restricting the earlier freedom of tenants in regard to subtenancies? A possible reason for the innovation might be seen in the fact that, with the growth of population, the practice of subletting at a profit was becoming common. The exaction of a fine on the conveyance of a lease might suggest itself to the manorial authorities as a means of securing part of the increased value of the land, which could not be got by raising the copyhold rent. It is true that the introduction of the new rule involved as much a breach of custom as increasing the rents would have done, but the former departure would be doubtless easier to enforce than the latter, since the fine would be paid by the lessee and no additional burden would be imposed on the lessor.

Whether this explanation of the new form in which agreements to occupy premises for terms were recorded be correct or not, the practice of validating subtenancies by fine to the lord places us on safe ground in describing their nature. The element of doubt as to the form of contract involved in the "forbids" disappears when both the parties have to come into court and state the terms of their bargain, and it becomes possible to collect instances of indubitable leases for the purpose of examination. The earliest example was the transfer in 1543 of "a third part of a close called Fernealgh (yearly rent, 5s. 10d.),

[1] See above, pp. 73-4.

[2] The term "forbid," however, is not often used after 1543 in this connection; instead the rolls record that "occupation is reserved to A.B. or C.D."

[3] See above, p. 74, n. 1.

lying in Accrington New Hold " by one Percival Grymeshey to Geoffrey Grymeshey " for the term of his life with remainder to the said Percival and his heirs." [1] In all probability this was a family arrangement, but the next lease to be effected by surrender was a grant for a fixed term of years to a non-relative. In 1546 three sisters who held in coparcenary a small tenement called Huntbutts in Hoddlesden, let it " to farm " to a George Holden for a term of thirty-nine years, paying to the king and to the said lessors the fine and rent of right accustomed.[2] A study of the leases contracted during the twenty-five years between 1543 and 1567 shows that the lessee is far more often a person bearing a different surname from that of the lessor than a person of the same surname.[3] Not infrequently he is the occupier who has hitherto been enjoying the use of his tenement as a yearly tenant, or a sort of subtenant at will, and now converts his tenancy into one which ensures his possession for a longer period. We may see such a change taking place in an entry in the roll for 1559 recording two leases by Henry Barcroft, gent., who surrendered two messuages with lands in Crawshaw Booth called " Le Launde of Cryden " in the tenure of Henry Haworth and Richard Magnolles to these two occupiers respectively for life, each to pay a rent of 11s. 2d. in addition to the copyhold rent of 8s. 10d.[4] A similar conversion to a lease for years was executed at Accrington in 1563. A tenement of 6 acres, parcel of Scaitcliff, was surrendered to the occupier, Henry Rylay of Newhouse, his wife and two sons and their assigns for a period of thirty-one years.[5]

Occasionally the lessees either assign their lands for the whole, or sublet them for the unexpired portion, of their terms. Christopher Herger, in 1547, took a parcel of Riley Hey from George Ryley for thirty years, and two years afterwards sublet it for the remainder of the term to Oliver Byrtwissell.[6] One of the parcels of the Holden estate, which had been granted to Richard Cronckshay in 1556 for sixty years, was sublet in 1589 to his eldest son, John Cronckshay, till the original lease ran out.[7] An example of the assignment of a lease for the whole term occurred in 1573. Edmund Wolfenden surrendered " an outhouse or barn and two doles of a close . . . called Brokeholes " to the use of Oliver Ashworth of Wolfenden for sixteen years,

[1] *Clith. Ct. R.*, III, 128-9. [2] *Ibid.*, 137.

[3] See Appendix E. There seem to have been only four leases granted to namesakes (relatives ?) as against twenty-eight to others.

[4] *Clith. Ct. R.*, III, 207. See *ibid.*, 197, for a similar instance.

[5] *Ibid.*, 240. In 1562 six feoffees holding lands of the lord in trust for Rossendale Chapel converted the yearly sub-tenancies of four tenements in Deadwinclough and Hall Carr to leases for sixty years (*ibid.*, 234-5).

[6] *Ibid.*, 147, 156

[7] Court Roll, No. 70. Halmote of Accrington, 17 May, 30 Eliz.

and immediately afterwards the same premises were assigned by the lessee to Robert Ashworth for the same period.[1]

During the twenty-five years above referred to there were thirty demises of land to individuals of which the leasehold character is not open to question. Of these one was for 8 years, two for 20 years, two for 21 years, one each for 30 years, 31 years, 39 years and 59 years, nine for 60 years, and twelve for life or lives. It will be observed that short leases were not usual, only one being for less than 20 years. The single lease for 59 years let by Ralph Holden was evidently timed to terminate simultaneously with the four others for 60 years granted by the same landholder in the previous year, so that we may regard it as a virtual 60-year tenancy. We have thus ten leases for that period—terms of years equivalent to leases for life or longer. If to these we add the twelve actual leases for life or lives, it will be seen that agreements for these long periods were by far the most popular.

Another point of interest in connection with these leases is the large proportion of small properties which the list displays. The areas of the plots or farms are not always mentioned, but the smallness of the rent in many instances indicates that the lands leased were not extensive. Subletting of small parcels from year to year is what we should naturally expect, but here is proof that small farms were being let for long terms. Moreover, these small holdings were, in many cases, carved out of larger ones ; that is to say, we are again presented with manifestations of that process of disintegration which has been demonstrated to have been going on in other ways. Large estates had been, or were being, cut up and divided among people who desired to cultivate small farms for themselves or to enlarge the small holdings they already held. A glance down the column of lessors in the table given in the Appendix shows that in at least two instances this was the case. Ralph Holden, for example, let seven leases on his lands in Haslingden. He was probably the most extensive landholder in the manor of Accrington, inheriting, in 1551, along with other lands, the " lordship " of Holden, an estate of 132½ acres.[2] Out of this property he granted long-term tenancies on five farms, comprising a total area of 81 acres, while he also let other leases on other lands which he owned.[3] The estate of Henry Barcroft was similarly farmed

[1] Court Roll, No. 58. Halmote of Accrington, 10 August, 18 Eliz. The practice of leasing was even extended to " parcels " or shares of the common pasture. The earliest instance in Rossendale of the right to pasture being leased independently of a tenement occurred in 1567 (see the last item in the list of leases, Appendix E), but several others were noted by the writer in going through the court rolls for the subsequent years at Clitheroe Castle.

[2] *Clith. Ct. R.*, III, 161.

[3] Ralph Holden also inherited an estate of 72 acres in Tottington. 40 acres of which were leased out in four lots ranging from 1 to 21 acres (*ibid.*, 354, 372, 374, 394).

out.[1] When the larger landholders are thus seen to be parcelling out their estates in small farms to be held by long term leases, we may surely see in this operation evidence of a prosperous class of small cultivators. And if, as is probably the case, the leases are granted to men already in occupation, that only indicates that the subdivision of the original estate had already taken place, while the change to an assured tenure for a longer period points to an improved status of the occupier.

The practice of buying and selling land did not become common among the tenants until the second half of the sixteenth century—a fact which exemplifies the tardiness with which the locality was affected by the stream of national development. While the spirit of commercial enterprise had already, in the previous century,[2] shown its influence in accelerating changes of ownership in the southern and eastern parts of the country, here its manifestation was delayed until a sufficient number of settlers prepared to undertake the difficult task of breaking up and improving the waste had established themselves and by their labour and enterprise accumulated small amounts of capital. Before 1544 the evidence of purchases in the manorial records is meagre and not always unmistakable. An "intent"[3] attached to a transfer of 1539, which states that the two parcels conveyed had been previously purchased by the fathers of the surrenderees, is the only specific mention of a sale which the rolls contain before that date.[4] There are recorded, however, a few changes of ownership which may have been the results of monetary bargains.[5] Such, for example, is a possible explanation of a son's disposal of an estate almost immediately after being admitted to it on his father's death, or of the fact

[1] Another case of the parcelling on lease of a large estate occurred later in the century. In 1566 William Davenport, Esq., acquired a messuage and lands of the yearly copyhold rent of 6s. 2d. at Musden Head (*ibid.*, 264). In 1579 and 1581 the greater part of these lands were leased in separate lots to twelve individuals, each for three lives at a rack rent (Court Rolls, Nos. 61 and 64). Seven years later the leases for some reason not apparent were surrendered (Court Roll, No. 71), but in 1591 the whole estate was again parcelled out in eleven lots, each being granted for three lives on more favourable terms (Court Roll, No. 74). Then in 1607 some of the holdings were purchased, apparently by the sub-tenants (Rolls, Nos. 89 and 90). See Appendix F.

[2] J. E. T. Rogers, *Economic Interpretation of History*, (Sixth Edition, 1905), II, 264.

[3] "Intent" is the term employed by lawyers in the Honor of Clitheroe in referring to a statement subjoined to the written memorandum of a surrender, whereby the object or intent of the transaction is explained. In modern times, "intents" are mainly, if not exclusively, used in mortgages, settlements and leases which are not accompanied by deeds. For example, in the case of a mortgage, they specify the terms on which the property can be redeemed, and the remedies of the lender to secure repayment. *Cf.* Customs of the Honor of Clitheroe, No. 20, in *Clith. Ct. R.*, I, 480.

[4] The premises were in Wolfenden Booth (*Clith. Ct. R.*, III, 105). No enrolment of the sale, however, seems to have been made.

[5] *E.g.*, Robert Shakerley was admitted to 6 acres on Brown Moor in Huncoat at the Halmote of 7 June, 1538, and at the next Halmote (15 November) surrendered the same property to Edmund Ascheton, Esq. (*ibid.*, 95, 96).

that certain properties changed hands twice within a year,[1] and even twice at the same Halmote.[2] An offer to purchase at a stated price is recorded as early as 1525,[3] but the first enrolment of a sale in language which leaves no room for doubt as to the nature of the negotiation is in the year 1544, when Nicholas Towneley and Gilbert Holden "in consideration of 40 marks by James Ascheworth and William Holth paid to them . . . sold and surrendered the half of all those messuages, &c., which they [had] in the Lenche in the Forest of Rossendale," and for another 40 marks sold the other moiety of the property to John Scofeld and Oliver Ormerod.[4]

Thereafter scarcely a year passes without a bargain and sale being enrolled. As the century wears on, the business of the lord's court is more and more occupied with transactions of this character. Sometimes we are told that the surrender of the property has been made "for a certain sum of money;" but quite frequently the actual amount of the purchase money is given, and from such statements we may note how different sites are appreciating in value at different rates. As illustrations may be cited one or two almost contemporary transfers in the township of Haslingden. In the Court held on 20 July, 1548, a messuage called "Lewezfeild" with 6 acres of land is sold for £9,[5] while for another messuage and 7 acres a small farmer or "yeoman" pays £16 os. 8d.[6] Five years later a plot of only 3 roods, called "Howse steides," brings its owner the large price of £6 5s. 4d.[7] Such items as these, scattered among the dry entries of legal phraseology, appear as illuminating flashes to reveal the growing economic value of the soil and the gradual improvement in the condition of its cultivators. It is, of course, too much to expect that our records at this early period should furnish us with data ample and accurate enough to enable us to form an estimate of the wealth of the district or of its rate of increase. They are, however, sufficiently explicit to show what sort of people they were who bought and sold land, and even to tempt us to hazard a guess at their reasons for doing so.

Amongst the purchasers were occupiers who had previously been subtenants. The history of the tenurial changes which have been traced above in connection with Carter Place probably affords examples of tenant-farmers raising themselves to the status of small owners. The same process was going on steadily all over the district. Sometimes the acquisitions were of very small value, as when a couple of

[1] 1520 (12 July): Henry Durden surrendered a messuage and appurtenances in Tunstead and Wolfenden to Christopher Hogekynson (*Clith. Ct. R.*, III, 37). 1521 (8 August): Chris. Hoghkynson surrendered the same property to John Law and George his son (*ibid.*, 39).

[2] 1528: Johanna Haworth surrendered a parcel of the vaccary of Cowhouses to Thos. Haworth, son of Peter Haworth, who at the same Halmote surrendered it to Henry Haworth (*ibid.*, 66).

[3] *Ibid.*, 51-2. [4] *Ibid.*, 131. [5] *Ibid.*, 147-8. [6] *Ibid.*, 148. [7] *Ibid.*, 173.

occupiers bought from a land speculator in 1560 two parcels of moss in Wolfenden, whose combined yearly rent to the lord amounted to no more than 4d.[1] At other times comparatively large estates were purchased by the under tenants. In Crawshaw Booth there were a number of tenements lying on the east side of " Crayshay Boith Water " (the Limy Water), and in the " Calffe Heigh Lawnde off Cryddene and Backeside of Cryddene," yielding a copyhold rent of 15s. 1½d., and held of the copyholder by some half-dozen individuals. One of these, in 1561, purchased the whole batch of messuages and lands and thus became the landlord of his neighbours.[2] Now and again a son appeared in court to acquire a holding occupied by his parents. Charles Cundlyff was thus established in Crabtree Croft in Riley Hey, Accrington (rent, 6s. 7½d.), by the payment of £24 for legal possession by one of his sons.[3] These purchases by occupiers and their relatives reinforce the impression of the improving condition of the cultivators, which we get from our study of the leases. The impression would probably be further strengthened if we could be sure of tracing all the sales in the rolls. In this section we are dealing only with changes of ownership which are expressly stated to be effected by means of money payments, or in which careful consideration has shown there to be strong presumption of a pecuniary bargain. There can, however, be little doubt that many other transfers were of the nature of sales, though the records do not so distinguish them, and these include a considerable proportion of acquisitions in fee by tenants or their relatives.

Besides purchasers of humble means who bought for their own use, there were others who were apparently in possession of sufficient capital to indulge in speculation—a sure sign that there was a profitable market for land. Quite early in the century, we find surrenderees disposing of their property as soon as, or very shortly after, they have been admitted to it.[4] When they appear to do this on a single occasion only, we can scarcely regard them as professional middlemen ; but they were certainly acting the part of middlemen. How else, for example, are we to consider the rôle played by Edmund Law in the following transactions ?

> 1546. Lawrence Waddington surrendered a messuage and 60 acres of land in the Park of Musbury (yearly rent, 32s. 6d.) to the use of Edmund Law and his heirs. The said Edmund Law surrendered the premises immediately after (in consideration of a certain sum of money to him paid) to Ralph Haworth and his heirs.[5]

[1] *Clith. Ct. R.*, III, 215. The speculator was John Nuttall of Newhallhey, who had acquired the parcels from Henry Barcroft in 1558 (*ibid.*, 205). See below, p. 93.
[2] *Ibid.*, 223-4.
[3] *Ibid.*, 213-4.
[4] See the cases cited above, p. 91, notes 1, 2.
[5] *Clith. Ct. R.*, III, 142.

Opportunity was at times afforded for speculation when encroachments from the waste had been detected. A warrant granting to Roger Ryscheton a couple of houses unlawfully built and a rood of land illegally enclosed has been noted in the previous chapter.[1] For these premises the grantee paid 8d. as the fine for admittance. Immediately afterwards he sold one of the houses to the occupier, Thomas Holden, chaplain, for an amount not stated, while for the other house and rood of land he obtained the sum of £10.[2]

Most of the speculations of the sixteenth century were of an occasional and modest character, but they were supplemented by the activities of at least one individual whose operations suggest the traffic of the habitual dealer who buys to sell at a profit. John Nuttall of Newhallhey, a considerable landowner by inheritance, made extensive purchases in Haslingden, Rawtenstall, Oakenheadwood, Crawshaw Booth, Wolfenden and Cowpe. During the eighteen years from 1553 to 1571 he figured in the Halmote as the surrenderee of at least as many lots of property. At his death he seems to have been seised of no other real estate than his patrimony of Newhallhey and the neighbouring parcel in Hall Carr. All the new lands he had obtained he had parted with before he died, and their destination can, in most cases, be traced either in the printed rolls or in the parchment records at Clitheroe Castle. Many went to relatives or were handed over to trustees to be disposed of as should be directed in his will; but seven lots were transferred to ten persons who, it is reasonable to suppose, were purchasers.[3]

Though it would be going too far to characterise the petty dealings just described as the regular operations of the land-jobber, yet we may surely see in this traffic the manner in which the business of land-agents and middlemen originates. After individuals have either by good fortune or by design made successful deals at odd times, it is not long before the idea occurs to someone that he may find a profitable occupation in buying up land which comes into the market in order to satisfy the requirements of those who wish to buy. Possibly the records of our district for a later period would show a greater approximation to the dealings of the professional speculator as the population grew and the demand for land increased.

Whether the eagerness for land produced that effect or not, it certainly must have contributed to the desire to sell on the part of owners who needed money for other purposes than tilling the soil or rearing cattle, or who, for some reason, found it inconvenient to retain their ownership. The sale of a fourth part of the vaccary of Constable Lee in 1561 is probably a case in point. The sellers, John Yngham, father and son, transferred the legal possession of their farm to Lawrence

[1] Chap. II, p. 61. [2] *Clith. Ct. R.*, III, 143, 144. [3] See Appendix G.

Rawstorne, gent., "for twenty pounds and nine pounds purchase money," but the fact that it was agreed that they should rent the premises during their respective lives suggests that the object of the bargain was to raise a sum of ready money.[1] In another example a father disposes of property in order to provide his son with capital. He gives his son part of his estate, accompanying the gift with the permission to sell.[2] In other instances again we find sons selling property which they have inherited from their parents, as if they preferred ready cash to a more fixed form of wealth.[3]

The departure of a tenant from the district, or the descent of an estate to a relative outside the manor, accounted for other lands coming into the market. A holding which comprised the greater part of the enclosed land in the hamlet of Cowpe was alienated apparently because its owner lived too far away to be able to look after it. It had previously belonged to Charles Nuttall of Crow Lumb, who appears to have settled at Aveley in Essex, and either he or a son who bore the same name cut it up into five lots—three-quarters and two-eighths—and sold them.[4] A more striking example of the breaking up of an estate for a similar reason occurred in Haslingden. In 1560 one George Nevill, esq., was admitted to a messuage and 49 acres there together with lands in Musden and Ogden,[5] and three years later he acquired 6 acres of Haslingden pasture.[6] In 1566 he had, it would seem, removed to Ragnall in Notts. He then surrendered "a messuage and lands called Musden or Musden Head" to William Davenport, knight,[7] and in the following year a large part of his lands in Haslingden and Ogden were disposed of as set forth below :—[8]

(1) ¼ mess. & other bldgs., 1 ac. in Has. & pcl. in Ogden to John Rothwell.
(2) ¼ mess. & other bldgs., 1 ac. in Has.
one other bldg. 1 ac. in Has. & pcl. in Ogden to Thos. Rothwell.

[1] *Clith. Ct. R.*, III, 218-9. *Cf.* a similar case, *ibid.*, 249.

[2] *Ibid.*, 253-4. The opposite process of a son giving his father land to sell is shown *ibid.*, 192. William Rishton had been admitted by a warrant of 1547 to a house and "10 roode falls" of waste illegally incroached (*ibid.*, 143). In 1557 he surrendered these to his father Roger Rishton, who thereupon sold them for four marks (£2 13s. 4d.) (*ibid.*, 192).

[3] Thus on the death of Robert Shakerley in 1538, his son succeeded to 6 acres on Brown Moor in Huncoat, which he parted with at the following Halmote (*ibid.*, 95, 96). In 1551 the estate of Ellis Walmysley in Cowhouse Hey descended to his eldest son Roger, who at the same Halmote was admitted and then surrendered it to John Walmysley in consideration of 40 marks to be paid in two instalments (*ibid.*, 166). Again, in 1579 the lands of Henry Holden of Baxenden passed to Christopher Holden, who promptly sold them to John Hargreaves of Wolfenden (Court Roll, No. 61, 21 May, 21 Eliz.).

[4] *Clith. Ct. R.*, III, 227, 235, 245, 252, 255.

[5] *Ibid.*, 216.

[6] *Ibid.*, 232. See Chap. II, p. 56.

[7] *Clith. Ct. R.*, III, 264.

[8] Court Rolls, Nos. 50 (Halmote of Accrington, 1 June, 10 Eliz.) and 51 (same Halmote, 13 Dec., 11 Eliz.).

(3) ½ mess., ½ other bldg., 2 ac. in Has. & pcl. in Ogden to Rich. Rothwell.
(4) 1 mess. & other bldgs., 7 ,, ,, ,, ,, Hy. Hargreaves.
(5) 1 ,, ,, ,, 6 ,, ,, ,, ,, Rich. ,,
(6) 1 ,, ,, ,, 6 ,, ,, ,, ,, John Heapp.
(7) ½ ,, ,, ,, 2 ,, ,, ,, ,, Wm. Rothwell.
(8) ½ ,, ,, ,, 2 ,, ,, ,, ,, John Rothwell.
(9) 1 ,, ,, ,, 11 ,, ,, ,, ,, Hy. & John Heape.
(10) 1 mess. 5 ac. of new improvement in Haslingden to John Bentley.

Our analysis of the business transacted in the manorial court, if somewhat long and tedious, has not only confirmed the fact of progressive subdivision which the rentals display, but has revealed the various processes by which the disintegration of tenements took place. It has exposed to view the deliberate partition of inheritances among descendants, as well as the dismembering of larger units by alienation to strangers. It has shown a widespread practice of subletting both at will and for definite terms, and it has demonstrated how subtenancies were often converted into estates in fee. The cumulative impression created by our survey is that, owing to the comparative freedom of the method of tenure and the increasing pressure of population on the principal means of subsistence, the whole system of holdings was in a state of continuous dissolution. The result was a wide diffusion of landed property, in which the cultivators were probably owners of their modest holdings as frequently as they were subtenants. But if the solvent action, which was so marked a feature of the history of the Rossendale tenures in the sixteenth century, facilitated the acquisition of small holdings by peasants of humble means, did it not also afford to the more substantial and more enterprising inhabitants the opportunity of building up large estates?

A long and careful search through the published court rolls of the first two-thirds of the sixteenth century, supplemented by a less intensive study of the parchment records at Clitheroe Castle for the remaining third, has revealed remarkably few instances of anything approaching the accumulation or engrossing of tenements. A few tenants can be found who acquired a number of plots, but, when the history of their possessions is traced, it turns out that a considerable, if not the major, portion of them is subsequently alienated. Thus Francis Gartside obtained by purchase or otherwise some sixteen tenements in Haslingden and Rossendale, but, as will be seen from the table of his acquisitions given in the Appendix, at least half of them passed out of his hands before he died.[1] We are scarcely justified in concluding from cases like this that those who bought up holdings were actuated by a desire to become great landowners. Where the buying of lands did not partake of the nature of a speculation, the object most usually appears to have been to provide for the purchaser's

[1] See Appendix H.

children or other relatives. The transactions of John Nuttall of Newhallhey above referred to probably afford illustrations of acquisitions for both purposes.[1] The nearest approach to what may be described as intentional accumulation is evidenced by the activities of Lawrence Rawstorne. This member of a prominent Tottington family began his career in that manor. He first obtained there three tenements aggregating 36 acres of land. Then by his marriage he became the possessor of a further parcel of $7\frac{3}{4}$ acres, being the quarter of the inheritance of his father-in-law. After that he acquired considerable property in Rossendale. In 1543 he was granted an estate at Rockcliffe Wood, a parcel of the vaccary of Baxenden and the water corn mill at Oakenheadwood, which were part of the confiscated tenancies of the late Abbot of Whalley. Some years later he secured a considerable holding in Rawtenstall. He then exchanged the Baxenden premises, lying on the Accrington side of the Forest, for four small plots in Wolfenden which lay between his properties in Oakenheadwood, Rawtenstall and Rockcliffe Wood, and near to his lands in Tottington. Finally, in 1561, he purchased a quarter of the vaccary of Constable Lee. The corn mill and some other parts of this composite estate were, during his lifetime, given to his son Edward, but no doubt the whole of the property was again united in single possession at his death. The entries in the rolls relating to these lands in Rossendale afford no means of calculating the total area of Lawrence Rawstorne's accumulations, but in view of the fact that the copyhold rent was at this time seldom more than fourpence per acre, and indeed sometimes less, the total payments, amounting to £3 11s. $10\frac{1}{4}$d.,[2] made to the lord of Clitheroe by Rawstorne and his son for their lands in 1561 indicate that the estate thus built up was one of the largest in the locality.[3]

This isolated example of accumulation is probably to be explained by the fact that Lawrence Rawstorne came of a family which had held considerable landed property for many generations and was comparatively wealthy. It stands out in striking contrast to the almost universal process by which the ownership of land in Rossendale was being disseminated among an ever-increasing number of inhabitants. The evidence which has been adduced in this and the preceding chapter proves conclusively that the forces which were tending to the disappearance of the small landowner in the more southerly parts of the country were, in this locality, either inoperative or productive of quite the opposite result. The enclosing movement, as we have seen, was not confined to the arable area of the midlands and the east; but whereas in the corn-growing counties it derived its impetus from the

[1] See Appendix G.

[2] Excluding 13s. 4d. paid for the corn mill at Oakenheadwood and a plot called the "Milne Acre."

[3] See Appendix I.

fall in the value of money, the increased demand for wool and the permeation of rural economy by commercial ideas, and so resulted in the diminution of the class of small landowners, in the Rossendale moorlands, where arable farming was pursued with difficulty, it assumed quite a different character and actually swelled the number of little proprietors. The spirit of commercialism was everywhere loosening the ties which attached people to the soil, whether as owners or as cultivators; but while the traffic in real property, which was one of the outward manifestations of the new habit of mind, may, in some parts of the country, have served still further to eliminate the small landowner,[1] in the area of this investigation it resulted in a shifting of ownership rather from the greater to the smaller than from the smaller to the larger proprietor. As a consequence, by the beginning of the seventeenth century those who could, in this district, be considered large holders of land were very few. When the copyhold lands of the new hold were surveyed in 1608, the number of tenements for which a rental of £1 or over was payable was less than a quarter of the whole, while more than one half of the total yielded copyhold rents of less than ten shillings. Amongst these latter were a quite considerable number of plots for which only a few pence were paid to the Crown as lord of the manor. If the tenements of the old hold in the vills of Haslingden, Accrington, Oswaldtwistle and Huncoat (which were surveyed in 1617) are included, the predominance of the smaller copyholders is even more striking. Those whose rent exceeded twenty shillings constituted about one-sixth only of the total number of customary tenants in the manor, and approximately two-thirds of the total paid less than ten shillings.[2] It is true that in some cases the same name appears in the rentals as the holder of lands in different parts of the manor, and it would assuredly be fallacious to regard each tenement as representing a separate owner. But acquaintance with the court rolls establishes the fact that identical names were frequently borne by more than one individual, and, as we have seen, the habit of accumulating holdings was by no means a common one; so that, even if it were possible to be quite certain as to the number of individuals among whom the various parcels were divided, there is no reason to suppose that the proportions above estimated would be seriously modified.

[1] How far this effect was general it is difficult to say. A. H. Johnson (*Disappearance of the Small Landowner*, pp. 75-82) seems to think that during the Tudor and early Stuart period the number of "moderate-sized landowners" increased.

[2] See Appendix J.

CHAPTER IV.

THE REGULATION OF THE COMMON LANDS.

In spite of the numerous enclosures which had taken place during the sixteenth century, there still remained at the end of that period some thousands of acres of unappropriated land. These, for the most part known as the king's (or queen's) waste, were utilised by the inhabitants as common grazing grounds and turbaries, and continued to play an important part in the organised life of the community. The seventeenth century was to see still more of the common lands passing into individual occupation, but before describing the peculiar circumstances which attended the later enclosures, it is pertinent to inquire what was the nature of the common rights enjoyed and how they were regulated.

The inquiry is of special interest because, as has been repeatedly pointed out, the agrarian economy of the Rossendale uplands differed considerably from that which obtained in most parts of the country. The unsuitability of the climate and soil for arable farming restricted the inhabitants largely to pastoral pursuits. Such statistics as we can obtain indicate that not only was the proportion of waste to cultivated land much larger, but also the proportion of arable to pasture land in an enclosed holding was much smaller, than was usual in lowland areas. Hence we have to consider rights of common here, not as an adjunct to an agricultural tenement necessary to enable the farmer to maintain the stock required for the cultivation of his arable lands, nor even merely as a subsidiary source of income, but as a special feature of his tenure, which enabled him, in many cases with a small farmstead, to keep flocks and herds that would otherwise have been impossible and to make out of these the principal part of his living. Facilities of common in this district were not so much the complement of a holding, as an extension of the chief means the tenement provided of earning a livelihood.

The examination of these facilities is important from another point of view. The transition period of the sixteenth and seventeenth centuries was a time when the advantage of communal enjoyment

and management of land was being called in question. The joint use of both arable and pasture land was attended by evils which became more and more serious as the population grew and the necessity of obtaining the maximum produce from the soil increased. In particular, the abuses of trespass and overstocking lessened the advantage which those who were legally entitled to use the common pastures derived from them. Consequently, writers on agrarian topics, notably Fitzherbert [1] and Hales,[2] advocated with reasoned force the division and enclosure of the common lands ; and, apart from the usurpation of the commons by landlords and those to whom they farmed or leased their estates, there was a definite trend towards enclosure among the commoners themselves. Now, not only was the privilege of grazing on the waste enjoyed by the ancient copyholders of the vills of Haslingden and Accrington, but on the disafforestation of the chases in 1507 similar rights of pasture were granted as appurtenant to the copyholds newly created.[3] In the course of time the common rights on large parts of the waste disappeared, not through the arbitrary action of a usurping landlord or his agent, but with the consent, and often on the initiative, of those who possessed them. It must, therefore, be concluded that the copyholders preferred separate occupation to communal use. An investigation of the manner in which the rights of the commoners came into conflict with the interests, desires and needs of individuals will probably help us to understand why that was so.

Rights of common pasture might be exercised on (*a*) open arable fields, and (*b*) open meadow land, between the time of harvest and the fencing of the strips for corn or grass ; they might also be enjoyed on (*c*) pasture lands specially set apart for the use of a township, or on (*d*) the waste. In many English manors the open arable fields and meadows constituted the greater part of the land used by the tenants, so that the opportunity afforded of grazing their stock upon them was of prime importance to those who claimed common rights. Especially was this the case where there was no waste and the area restricted to pasture was limited. But in the locality under present consideration dependence on such facilities formed but a very minor part of the normal working of agrarian life ; for, apart from the predominance of waste

[1] *The Boke of Surveyinge and Improvements.*

[2] *Commonweal of this Realm of England.*

[3] The ancient copyholders claimed their common rights by custom. The privilege of pasture on the waste had always, however, been enjoyed by the leasehold tenants in Rossendale before the creation of the copyholds of the new hold (see the Survey of 1507, description of Overhaddes (Henheads) and Wolfenden, *Clith. Ct. R.*, II, 375, 376). Whether it originated by special grant or by tacit permission is not apparent, but in 1507 it was confirmed to those to whom the new copyhold tenements in the Forest were granted. The new copyholders were thus placed on the same footing in this respect as the old.

over enclosed land, only a small portion was managed on any system of communal husbandry.

In estimating the relative importance of the commonable lands, *i.e.* those which were enjoyed in severalty for part of the year while the crops were growing, as distinguished from common lands or uncultivated wastes, we are at the outset handicapped by the lack of satisfactory evidence, not only as to their extent, but as to their very existence. This is especially true with regard to arable land. The manor of Accrington here presents a remarkable contrast to all the other constituents of the Honor of Clitheroe. In some of the manors it is clear that open arable fields survived into the sixteenth century ; [1] in all but Accrington it can be said with tolerable certainty that they once existed. For example, in the court rolls of Tottington, Ightenhill, Colne, Chatburn, Worston and Pendleton, the field names and other terms applied to the land frequently point to a previous system of common tillage. The term " oxgang land," as distinguished from " rode land " or land ridded from the waste, repeatedly occurs in the conveyances recorded, while such expressions as " selions," " headlands," and " butts " may not seldom be found. But the present writer has discovered only one reference to " oxgang land " in the rolls of the Accrington manor for the whole of the sixteenth century,[2] and the field names mentioned do not suggest with any degree of certainty that open arable cultivation had ever there been practised.[3] The existence of a communal agriculture in the neighbouring townships naturally creates the presumption that a similar mode of tillage had once obtained in the vills of Haslingden, Accrington and Huncoat, yet none of the surveys and extents which have come down to us lends support to such a conclusion.[4]

The explanation of the peculiar position of the ancient villages in our area with regard to arable cultivation is perhaps to be found in the climate and physical configuration of the district. Both are un-

[1] *E.g.*, in Colne and Chatburn. In 1510 the Jury of Colne manor presented " the tenants of Trawden and Wynwall for trespassing in Colne fields in passing over arable land there with their horses," etc. (*Clith. Ct. R.*, I, 250) ; and in 1521 John Ruskyn and his servant were amerced 3d. for mowing " grain and grass belonging to their neighbours in Chatburne higher field " (*ibid.*, 61).

[2] *Ibid.*, III, p. 120 : " 38 acres of oxgangland called Hawkeshey " in Accrington.

[3] The name " Huntbutts " of a small tenement in Hoddlesden recorded in 1546 (*ibid.*, III, 137) might point to some kind of open arable field formerly existing in the western extremity of the Forest area ; but this is an isolated instance, and without supporting evidence it would be unsafe to infer from it a practice of co-operative tillage—certainly in the district as a whole.

[4] According to the Lacy Inquisition of 1311, the vills of Pendleton, Worston, Downham, Colne, Great and Little Marsden, Burnley and Padiham all had villeins holding " oxgangs of land in bondage," and Simonstone and Read had " oxgangs held in thanage ; " but in Accrington, Huncoat, Haslingden and Cliviger, no oxgangs are mentioned (*Three Lancs. Docs.*, 5-15).

favourable for the production of corn. To-day, it is seldom, owing to the lack of sunshine, that even oats can be got to ripen properly. The irregular surface of the country, with its alternation of steep-sided valleys, water-logged hollows and thin-soiled ridges, preclude the laying out of large continuous fields for the plough. Yet corn had to be grown somehow; and plots suitable for the purpose would be found only here and there of small extent and in sheltered places. The cultivation of grain would have to be carried on by individual tenants in scattered closes. There was little scope for the establishment of the nucleated village surrounded by its two or three large arable fields.

When we turn to the settlements of the forest lands of Rossendale, we find that similar considerations have contributed to the special line of their development. They were, at the beginning of the sixteenth century, for the most part small hamlets of some half-dozen households which had grown out of isolated cattle farms. Their situation was even less favourable for the laying out of extensive arable fields than that of Haslingden and Accrington. Moreover, as clusters of homesteads, they were of comparatively recent date, coming into existence at a time when new forces and new ideas were undermining the foundations of village economy. Thus natural conditions and the circumstances of their late origin co-operated to produce an organisation, if not peculiar to these hamlets, at least quite distinct from that of older established and more favourably situated villages. It has been explained that, when the vaccaries were granted by copy in 1507, most of them were divided into two or more tenements. No doubt part of the land in each was fenced off in separate closes, yet the frequent pleas of partition brought into the Halmote clearly demonstrate that much was at first held in common. The unpartitioned land was sometimes designated by the vague term "mean ground" or "mean fold." In one place in the court rolls we read of the "town land" (*villic' terr'*) of Crawshaw Booth. In other cases the more specific term "meadow" is applied to the common property. The relation between the two is not always apparent. Possibly in some booths the common meadow was only a particular part of the mean ground; in others the meadow may have constituted the only "land in the mean." In Bacup and possibly in Rawtenstall there were common meadows quite distinct from other mean lands. Perhaps we shall clarify our ideas if we consider these two classes of commons separately.

The use of the term "fold" probably implies that the "mean" was surrounded by a fence.[1] In this enclosure each tenant of the

[1] The "mean" in Tunstead is called "Tunstead Waist" in one place (*Clith. Ct. R.*, III, 132), and "Tunstedhey" in others (Court Rolls, Nos. 73, 74). The suffix "hey," derived from O.E. "hege," a hedge, often occurs in the local field names, and in such instances as "Calfhey," "the Olde Calfe hey" and "Cowehey" must have denoted an enclosed pasture.

vaccary was entitled to a share proportionate to his rent, and the question arises, upon what principal was the communal enjoyment of the property regulated? How were the shares allotted? Were they distributed by lot or rotation in the manner of common meadows in other places, or was the division permanent as in the case of most open arable fields? And to what use were they put? Were they tilled for corn, or used as meadows or merely as pastures? Further, was there any system of intercommoning upon them?

Very little direct information has been discovered to guide us in answering these questions. The method of apportionment we have to infer from chance statements in the court rolls. Most of the references to the parts of these common lands might apply equally to fixed or to changeable shares, but the mention of houses "standing in the Meane Folde at Deidwenclogh,"[1] in an indenture of an agreement relating to the occupation of certain premises in that vaccary, gives reason to believe that in some cases each tenant was in permanent possession of his portion; otherwise it is difficult to imagine that anyone would erect a building which he would have to abandon at the end of his year of occupancy.[2] As to the utilisation of the shares, perhaps the particulars of a dispute settled in the local court in 1528 will furnish a clue. The case concerned the same common fold of Deadwinclough, but the system of management revealed therein probably applied to other "means" in the Forest. The entry in the roll recording the action as transcribed by Dr. Farrer, is as follows:—

> Matthew Jenkinson and Charles Nutter sue Jurdan Brigg, Adam Brigg and Edmund Pecopp and other tenants of Deidwynclough for 20s. damages and declare that Charles Haworth (2d.), Richard Withwort (2d.), and Adam Brigg (2d.) trespassed with their beasts. It is ordered by the jury "quod quilibet tenens in Deidwynclough custodit suum agestamentum sine aliqua oppressione animalium suorum ibidem subpena cujuslibet tenentis ibidem defect' in hac parte faciendi foresfacturum Domino Regi sic capt' xs.; et nullus tenens ibidem tedder ne geites after the Sykill ne the Sythe subpena xs."[3]

The grounds of the dispute are not so clearly set forth as one could wish, but one point that emerges is plain, and that is that the land was used, at least for part of the year, as pasture. Three tenants are

[1] *Clith. Ct. R.*, III, 175.

[2] This conclusion is supported by the decision given in a dispute between the two tenants of Gambleside vaccary in 1541 as to their shares of the "Calf Hey" and the "Cowehey." The jury declared that "le dole" in the former was "good and sufficient as already divided between the parties." With regard to the Cow Hey, however, it was ordered that this pasture should be divided equally between the disputants "by the view of four men and two land measurers" (*ibid.*, 113-4).

[3] *Ibid.*, 63.

amerced for trespassing with their beasts, presumably upon the plaintiff's allotments, and a penalty is laid upon all the tenants not to agist more animals upon the land than they are entitled to do in proportion to the rent which they pay. The second order made by the jury suggests that the tenants may, if they wish, utilise their shares for corn or for hay. If any do so, it will be necessary for the others to tether their beasts upon their own portions so that no damage is done to the crops. Possibly the compensation claimed by Jenkinson and Nutter was for injury to their meadows or cornfields caused by the negligence of their fellow tenants. In all probability it was not compulsory upon all the occupiers to plough their lands or to lay them down in meadow at the same time ; for if it were, no animals could then be turned out upon them, and there would be no need of a regulation as to tethering, unless, indeed, there were between the strips balks wide enough to be used for pasture during the time when the crops were growing. After the harvest—after the sickle and the scythe—tethering was unnecessary ; in fact, it was prohibited. All beasts had to go free, that all might have an equal chance of getting grass. Even those tenants who had kept their lands in grass all the summer were not allowed to tie their cattle upon them, and so crowd out and confine to the stubble the animals of those who had elected to grow corn.[1]

If the above explanation of the management of the " mean folds " is correct, we have in them the nearest approach to open arable fields which the history of our locality supplies. But it will be seen at once that the arrangements were very different from the rigid routine imposed on the tenants where the two- or three-field system was in force. With regard to the plots which had been set aside for the restricted purpose of co-operative haymaking, the same latitude was not

[1] The existence of common land of a similar nature in Hoddlesden is revealed is the account of a couple of disputes settled in the Halmote. Apparently four tenants shared a common pasture and turbary. In 1532 they submitted certain " vareaunces " between them to the arbitration of four neighbours, and it was agreed that while the land remained common, each tenant should be at liberty to dig turves on any part of it, but that any or all of them might when they pleased enclose their " gronde " in severalty. Further, it was ordained " that the yaits beyng Betwyx their seid pastur and (*sic*—is there an omission here ?) shall lye oppen frome the Feist of Sanct Michael, unto Myd apryll day yerly and so to keipe them. And the seid pastur for that Season to be as In comen emongs theym " (*Clith. Ct. R.*, III, 76). Evidently each of the four tenants had a specified portion of this " mean " pasture and between mid-April and Michaelmas was at liberty to grow corn or hay upon it. Three years later one of the four brought three complaints against another. The third charge was that the defendant had kept " unrepaired gaits in the in-pasture and out-pasture of Hoddelsden." The jury declared that the offender should " repair his gaits at all times and that the said gaits in the in-pasture must be left open from St. Martin's in winter to the middle of April in each year " (*ibid.*, 87). The in-pasture was probably the " mean " ground above referred to, and the out-pasture the waste ; but why was the date at which the in-pasture should begin to be in common now fixed at 11 November instead of 29 September, as in the former suit ?

permitted. After the manner usual with common meadows, these were divided into strips or allotments marked off by merestones, closed during the early summer, and after harvest thrown open to the beasts of those entitled to share them. The allotments were called "doles," *i.e.* "dealt out" land, and were probably, like the shares of the "mean folds," permanently assigned to the tenants, and might be separately alienated or sublet.[1] They were thus treated as a kind of semi-private property, much in the same way as the strips of open arable fields in other parts. Some of these common meadows survived till late in the sixteenth century. As we should expect, they were generally situated on the richer lands near to the streams. One called the Holme, in the valley of the Limy Water, was apparently in existence in 1539, and probably belonged to the tenants of Crawshaw Booth.[2] There was also a "Rawtanstall Medowe" in 1564.[3] On the left bank of the Irwell were the "Old Meadows" of Bacup mentioned in a lease of 1591.[4] How many of the hamlets in Rossendale had ever possessed common meadows, it is not easy to say, but to judge from the frequent occurrence of the word "dole" in the field names of the district, this form of communal property must have been at one time fairly general. Thus, in addition to the meadows above-mentioned, there were parcels in Wolfenden Booth called "Grastone Dole," "Short Clough Dole,"[5] and "Cowpitdole;"[6] in Constable Lee were the "Crostone Hill Doles," "the Doles below the Ege," and the "Egeyate Doles;"[7] in Deadwinclough there was a plot known as the "Little flashe Doall,"[8] and in Newhallhey a field described as "Witstondole."[9] Many of these had become separate closes at the time when they were recorded in the rolls as the subjects of transactions in the Halmote, but they probably derived their nomenclature from a period when they were regulated by the joint control of the inhabitants of the booths.[10]

[1] Thus Oliver Ormerod surrendered in fee a parcel of the Rawtenstall Meadow called the Hyles (yearly rent, 1d.) to Thomas Heape, to whom he had previously sublet it. Thomas Heape then transferred it to Oliver Pycoppe (*Clith. Ct. R.* III, 244).

[2] *Ibid.*, 103. [3] *Ibid.*, 244 (*cf.* 252). [4] Court Roll, No. 74.

[5] *Clith. Ct. R.*, III, 166. The fields called the "Fowre Swaithes" and "xj Swathes," mentioned in the same place, were probably also parts of a former common meadow.

[6] Court Roll, No. 74. [7] *Clith. Ct. R.*, III, 150.

[8] Court Roll, No. 60. [9] *Clith. Ct. R.*, III, 64.

[10] Though the word "dole" in a field name usually has reference to a share in a former common meadow, that is not invariably the case. It might be applied to any land "dealt out" in a division of common property, as, for example, to a share of the Haslingden waste which was partitioned after the Decree of 1618 (see Chap. V, pp. 155-6). Thus in Court Roll, No. 106 (1623) there is an entry recording the sale of 4½ acres of land "lately improved from the commons or wastes in Haslingden called the Hye More lying in the northern end of Higher Church Dole of the said common or wastes," and another entry of the sale of "3 acres 12 falls more or less lying in a certain dole of the common in Haslingden called le graine Dole and also ½ acre lately parcel of le Picklawe Dole in Haslingden." The term "doles" was even used of portions of hedges which adjoining tenants had to maintain. See the verdict in a plea of

So far as can be ascertained, the toponomy of the older townships of Haslingden and Accrington supplies no evidence of common meadows; but presentments in the Halmote show that during the first half of the sixteenth century some portions of the waste pastures were set aside for mowing.[1] Presumably these were temporarily fenced off for a fixed period each year, after which there was no distinction between them and the rest of the commons. It seems somewhat paradoxical that evidences of communal husbandry should be so much more abundant in the newer settlements of our area than in the older, for not only have open arable fields in Haslingden and Accrington, if they ever existed, left behind them no trustworthy traces, but our information regarding common meadows in those ancient townships is limited to a couple of meagre entries in the court rolls. The contrast would be difficult to explain but for our knowledge of the special circumstances of the disafforestation. Such common arable and meadow fields as resulted from the transformation of the old vaccaries to groups of homesteads proved, however, a quickly disappearing factor in the life of the community. A previous chapter has explained how first one and then another of the "mean folds" were partitioned into several holdings. A similar division evidently took place in the case of some of the common meadows. The result was that the facilities for grazing which these joint tenements afforded—never, probably, so important as those provided by the wider extent of the waste—became of less and less consequence as the century wore on. It is, therefore, with the rights enjoyed by the inhabitants on the waste at large that we must be principally concerned.

The tenants of Haslingden were fortunate in the extent, if not in the quality, of the grasslands upon which they were free to turn their cattle. In 1553, when Queen Mary issued a commission to inquire how much of the wastes in her Honor of Clitheroe might be improved while leaving sufficient common for the tenants, the deponents examined in Haslingden estimated that the waste ground there contained about 1240 acres;[2] and in 1617 it was reported that there were still 1150 acres unappropriated.[3] This expanse of rough grassland and moss

partition of hedges between Lawrence Raustorne, gent., and John Yngham, plaintiffs, and Edward Yngham, defendant, given in *Clith. Ct. R.*, III, 246-7: "In primis the said Jurie do say that they have dalte or made particion off all the said hedgyng nowe in variaunce into faure dooles," etc.

[1] 1522. "Lawrence Heype (6d.) cuts hay upon his common pasture before the feast of St. John Baptist, contrary to the resolution (*plebisetum*) of his neighbours" (*ibid.*, 41). 1537. "Edmund Heipp (4d.) for reaping (*falcaverunt*) 'le lowkes' upon the common before the feast of the Exaltation of the Holy Cross in the year last past, contrary to a penalty laid upon him" (*ibid.*, 93).

[2] Dy. Lanc. Deps., I, 66, R 4d. Other particulars of this commission have been given in Chap. II, pp. 61-2. At 7 yards to the pole, 1240 customary acres would be equivalent to about 1984 statute acres, and at 8 yards to about 2604 statute acres.

[3] *Clith. Ct. R.*, II, 411.

surrounded the vill on three sides (see map opposite). On the west, beyond the Swinnel Brook, was the high ground known as the Haslingden Moor or the High Moor, extending into the waste of Oswaldtwistle. On the opposite side of the valley and rising above the church towards Cribden Hill was the Slate Moor,[1] while to the south of the vill, on somewhat lower ground on the east banks of the Swinnel, lay Flaxmoss. These three commons were held by feoffees in trust for the copyholders and freeholders of Haslingden at a yearly rent to the Crown of 6s. 8d.[2]

The waste on the north side of Haslingden, known as Henheads and Friarhill,[3] was allotted to the new hold settlements of the forests of Rossendale and Accrington. It is probable that the tenants of the booths had been allowed to pasture their beasts here since the time when the vaccaries were first leased. According to the survey of 1507 the original rent for the privilege had been 13s. 4d., but in that year it was doubled.[4] Half of it was payable by the new holds in Accrington Forest, and half by those in Rossendale. As a practical arrangement, only those vaccaries which were adjacent to or within easy reach of this part of the waste exercised common rights upon it. Thus the Friarhill portion seems to have been reserved to the tenants of Antley, for an annual payment of 6s. 8d. in respect of it is separately rendered by the principal occupant of this vaccary in the rentals of the first half of the sixteenth century.[5] Henheads was shared by the four other settlements in Accrington Newhold and eight of the Rossendale settlements. The Accrington booths paid 6s. 8d. for their share, in sums roughly proportional to the rents of their copyhold lands. Seven of the Rossendale booths paid 1s. 9½d. each, while Dunnockshaw contributed 10¾d.[6]

[1] The high ground to the east of Haslingden was sometimes called "the High Moor."

[2] Commission of 1557 (*Clith. Ct. R.*, III, 195); By-laws of Haslingden Common, 1600 (Court Roll, No. 82).

[3] Henheads lay on the eastern side and Friarhill on the western side of the present main road between Haslingden and Accrington.

[4] *Clith. Ct. R.*, II, 375.

[5] In the rentals of 1527 and 1539 the rent is credited to Nicholas Russheton, who held two-thirds of Antley vaccary (see *ibid.*, 406-7, and 414, n. 7). It is perhaps significant that in 1562 the copyholders of the new hold of Accrington Manor surrendered this pasture to be held in severalty by Geoffrey Ryscheton, the son and heir of the above-named Nicholas (*ibid.*, 227).

[6] When the new hold lands were surveyed in 1608 (see Chap. V, pp. 148-9) the rents payable by the various booths for their common of pasture on Henheads were as follow: Baxenden, 1s. 10d.; Cowhouses, 2s. 5¼d.; High Riley, 2s. 3d.; New Laund, 8d.; Dunnockshaw, 10¾d.; Loveclough, Goodshaw, Crawshaw Booth, Constable Lee, Rawtenstall, Deadwinclough and Wolfenden Booth, 1s. 9½d. each. Total, 20s. 7½d. (Dy. Lanc. D. & O., No. 19). *Cf.* the survey of the Manor of Accrington ordered by the Duke of Albemarle in 1662 (printed in *Clith. Ct. R.*, III, Appendix V, pp. 419-40), in which the jury by request presented that "there is an overplus of 6¼d. collected within the Newhould of Accrington" in respect of Henheads (p. 424).

ROSSENDALE IN THE SIXTEENTH CENTURY.

Beyond Henheads were the commons of Enfield and Huncoat. The former was situated north of the vill of Accrington, adjoining the wastes of Altham, Clayton and Church,[1] and belonged to the copyholders of the old hold. In 1577 it was stated that its area was rather more than 65 Lancashire acres, and that twelve ancient tenants of Accrington had common upon it.[2] Huncoat waste, over 200 acres in extent,[3] lay east of Enfield and was restricted to the customary tenants of Huncoat township.

In the heart of the Forest of Rossendale, on both sides of Wolfenden Water (the Whitewell Brook), stretched the open pasture of Wolfenden. Until 1507 this tract of hilly country had been both a resort for deer and a free grazing ground for the inhabitants. It was then demised to the copyholders of Rossendale in common at an annual rent of £13 6s. 8d.,[4] for the collection of which the tenants of Crawshaw Booth were made responsible. The transfers of property registered in the court rolls show that holdings in at least eleven of the settlements had " appurtenances " in Wolfenden,[5] and, according to the preamble of a decree of the Duchy Court, the rent was " devided ratably to every of the same Boothes or Vaccaries." [6] There is reason to suspect that many of the tenants took their shares in severalty, though, except for a few pleas of partition recorded in the extant rolls, there is little to show how or when they did so.[7] Nevertheless, some part of this area continued to be pastured in common throughout the sixteenth and early seventeenth centuries.

Wolfenden, however, must have been only part of the common of Rossendale. The waste comprised all the land which had not been enclosed. As already pointed out, the severalties occupied the lower lands along the streams which drained the moor. Many of them were situated in the valley of the Irwell, and the owners of these made use of the neighbouring slopes rising eastwards and southward to the ridges which formed an inexact and sometimes a much-disputed boundary between the Forest and the neighbouring manors. Thus the copyholders of Bacup grazed their cattle upon Horlaw Head in the extreme east of the Rossendale area, contiguous to the common pasture of the inhabitants of Cliviger, with whom, as we shall see presently, they waged a lengthy legal feud as to the extent of their respective

[1] Dy. Lanc. D. & O., No. 15, f. 702. [2] Dy. Lanc. Spec. Comm., 261.
[3] Court Roll, No. 102. See Chap. V, p. 156, n. 5.
[4] *Chth. Ct. R.*, II, 376.
[5] Namely, Rawtenstall, Constable Lee, Crawshaw Booth, Goodshaw, Loveclough, Dunnockshaw, Gambleside, Deadwinclough, Wolfenden Booth, Tunstead and Bacup.
[6] Dy. Lanc. D. & O., No. 30, f. 105.
[7] It is worth noting that in the rentals of 1527 and 1539 the whole of the rent from Wolfenden Laund or Land is rendered by the tenants of Crawshaw Booth in one lump sum, but in those of 1608 and 1662 the individual tenants of Wolfenden are named with their respective payments, as if the latter were for separate holdings.

commons. South of the Irwell the moors ascend to a crescent-shaped ridge, which reaches its highest altitude in Cowpe or Crag Moss. Here the sheep of the tenants of Cowpe must have found a scanty sustenance. Possibly also parts of Brandwood and the Lench on either side of Cowpe Moss and parts of Musbury Park provided a rough pasture for other occupiers. For the coarse herbage of these slopes no separate charge seems to have been made by the Crown.

How were the grazing rights of the tenants on these pastures regulated? Unlike the "mean folds" and the common meadows, the waste was the property of the lord and not of the tenants as co-partners. The rights which the latter exercised were merely rights of use on the land of the lord. Yet they were not controlled by the lord, but by the community as a whole. By-laws regulating the enjoyment of the waste were made in the Halmote, and all disputes relating thereto were settled in the Halmote. That does not, however, mean that all the various portions of the waste above enumerated were regulated in the same way. Each common had its own custom, which was declared by the tenants entitled to use it. Thus in these waste pastures of the Rossendale district we have examples of different methods of what is called "stinting the common."

It is believed that in very early times the members of village communities were accustomed to turn as many beasts as they liked upon the uncultivated lands which surrounded their settlements,[1] but it is obvious that sooner or later the necessity would arise of apportioning in some way each commoner's rights. The usual mode of regulation was to restrict each tenant either to a fixed number of one or more kinds of animals in proportion to the size or rent of his several tenement, or to the number of beasts which his holding could maintain during the winter. The latter measure was known as the number levant and couchant upon the holding, and was the rule which came to be invariably applied where there was nothing to show that the right of pasturage was fixed in any other way.[2] It was the general rule for copyholders, and in our district it was the principle on which the rights of those who held common appurtenant on the wastes of Haslingden, Oswaldtwistle, Enfield and Huncoat were determined.

The rule was not, however, always expressed in the same way, though there can be little doubt that in the case of these four common pastures an identical custom prevailed. When it was stated that the jury in a suit between the inhabitants of Huncoat and John and Thomas Ryley had decided that the defendants "ought to have commone of Pasture in and uppon the more of Huncote for *All the beastes and cattell which they or there tenantes had*," [3] in all probability nothing more was meant than the right which the inhabitants themselves as a body sub-

[1] Vinogradoff, *Villainage in England*, 261.
[2] *Laws of England*, IV, 974.
[3] Court Roll, No. 60.

sequently claimed of common of pasture for the " commonable beasts levant and couchant on their land." [1] Tenants who had common appurtenant on Enfield [2] and Oswaldtwistle [3] moors asserted that they were at liberty to graze " all manner of beasts without stint," but they did not mean thereby that they were entitled to put upon those pastures an unlimited number of animals. The phrase " without stint " was used to imply that the number of cattle and other beasts which they might turn on the common was not fixed, but might vary from year to year according to the number maintained upon their tenements in the winter. The rule of levancy and couchancy applied to them, in spite of the apparent comprehensiveness of the language in which they expressed their claim.[4]

But the clearest and most definite statement of the extent of the rights enjoyed upon these four waste pastures is to be found in a list of by-laws relating to the use of the Haslingden commons enrolled in the year 1600.[5] The customary tenants of the township agreed—

> that the said Common of pasture or waste grounde shall not be used or pastured with any maner of Cattell whatsoever but suche and so manye in nomber as everie particular man may house bande and wynter uppon his severall portion or portions of lande within the said Towne of Haslindene. And that the pynners ffrome tyme to tyme appointed shall have in Charge to forsee that the said Commons be used as afforesaid. And if any person whosoever do surchardge the same Commons or waste groundes, That the said Pynners shall make due presentemente thereof to the Grande Jurie or Greate Inqueste at the next Halmote Courte then to be holdene and kepte within the manor of Acringtone. Yeat it is not mente hearbye That there shalbe any Certeyne stynte set downe but onlie for suche as shalbe presented by a Jurie in Courte for surchardginge the said Common pasture or waste grounde.

It is clear from these resolutions that the rule of levancy and couchancy was the basis on which the use of the Haslingden common pasture was

[1] Court Roll, No. 102. Decree of Confirmation of Copyholds, 1618.

[2] Dy. Lanc. Pldgs., 105, R 1. Thomas Ryley and John Kenyon *v.* William Risheton and others, *re* pasture for cattle on Hynfield waste. Defendants admitted that plaintiffs had " common for all manner of beasts without stint."

[3] *Ibid.*, 103, B 29. Barton *v.* Southworth and others. Defendants claimed " common of pasture upon a great waste or moor called Oswaldtwistle or Duckworth Moor for all manner of beasts without number at all times of the year."

[4] *Laws of England*, IV, 972. " The expression ' common sans nombre,' which is frequently met with in the early cases, or ' common without stint,' means common for beasts levant and couchant, it being uncertain how many there are in any particular year, and does not mean common for any number of beasts. It is used in distinction to ' common for a number certain,' and is a common certain in its nature, because *id certum est quod certum reddi potest.*"

[5] Court Roll, No. 82 (15 May, 42 Eliz.). A complete copy of the by-laws is given in Appendix K.

regulated. A certain latitude was apparently left to the individual tenants, but if any one agisted more cattle than could reasonably be wintered upon his land, the jury might fix the number which he could put on the common, having regard to the capacity of the tenement to maintain stock throughout the year.

It is to be noted that only those beasts which were maintained on the lands to which the common was appurtenant could be pastured on the waste. Animals to be commonable had to be *levant e couchant en le maner, i.e.* in the township to which the pasture belonged. So the customary tenants of Haslingden further resolved :—

> that suche persones as have lands boothe within the said Towne and withoute, and do occupie lande which is not commonable in the said Common pasture of Haslindene, it is thoughte good and agreed uppon that they shalbe sessed and Rated by the homagers and Jurie of the said Manor in Courte what Cattell and nomber they shall kepe uppon the said Common pasture for suche there lands within the said Towne yf they be presented by Jurie in Courte as surchardgers of the said Commons.[1]

Some such rule as this was necessary to prevent tenants from taking more than their proper share of the herbage, or from agisting for money the cattle of strangers and thus making profit at the expense of their fellow commoners.[2] And the rule was strictly enforced ; for three

[1] Compare the following by-law of the manor of Worston (1583) : " Item yt is agreed That no mene shall take or surcharge the Common with any kynde of Cattelle sheepe or geese But such as he or they shall keapp in Wynter within the said Towne or townshippe of Wurstone and that without helpe of any outlandes uppon payne to be assessed and set downe at ye discrecion of the Quenes Majesties stuard of the said manor " (Court Roll, No. 65. Halmote of Chatburn, 6 May, 25 Eliz.).

[2] Prof. Vinogradoff (*Villainage in England*, 262-3) attributes the rule of levancy and couchancy to the fact that the right of pasture was an adjunct to the holding, and so the tenants had a right to object to an invasion of their common by outsiders, rather than to an apprehension that the common would get overstocked. He is led to this conclusion by a failure to " see in what way the bringing in of strange cattle could damage the peasantry of the village, as nobody could drive more than a certain number of beasts to the common, and as the overburdening of it depended entirely on the excess of this number and not on the origin of the beasts." The mere substitution by a commoner of strange beasts for his own could not of course injure his fellows ; but is it correct to regard cattle levant and couchant as a fixed number ? The view taken above is that it was not fixed, and apparently the copyholders of Haslingden did not so regard it. If it was not fixed there was the possibility of the common being oppressed, and it was probably to guard against any individual taking too liberal a view of his right by putting on the common cattle strange to the manor, whether they were his own or another's, that such rules as that framed by the tenants of Haslingden were made. In any case, it seems more probable that the commoners would be more concerned about the overstocking of their pasture than with theoretical or legal considerations about the invasion of their territory. And this view seems to be supported by the wording of a by-law relating to the common pasture of Worston, on which the rule of levancy and couchancy obtained : " Item yt is agreed That if any mane . . . do keappe any other herdde then the common herdde To thyntent do put his or theire

years after it had been put upon record a Haslingden tenant called Lawrence Cronckshay was "presented" for receiving eighteen sheep of Christopher Cronckshay—who was probably a relative—for pasturing upon the common of Haslingden.[1]

In many parts of the country it was the custom for the township to appoint a common shepherd or cowherd to drive all the animals to the common together and to see that the pasture was not over stocked. In our locality there was no common herdsman, but the pastures were supervised by officers called pinders, folders, or inclosers.[2] They derived their title from the fact that they had charge of the village pound or fold, to which they drove the beasts of those who had violated the by-laws. As there were apparently separate pounds in the vills of Haslingden, Accrington and Huncoat and the Forest of Rossendale, it is probable that there were separate local officers to look after them, but there appears to be no record of a separate pinder being appointed for Haslingden,[3] and there are very few indications of one for Huncoat. For Accrington Old Hold a pinder was elected by the customary tenants at each Michaelmas Halmote for the succeeding year. The pinfold of Rossendale Forest was situated in Deadwinclough, and according to a special by-law agreed upon in 1583 the office was to be filled by a tenant of each of the four "posts" or quarters of that vaccary annually in turn.[4] The duty of providing the pounds and keeping them in repair belonged to the lord of the manor; hence in the Honor of Clitheroe they were frequently called the "King's Folds" or the "Queen's Folds." At Deadwinclough the maintenance of the pound was delegated to the pinder for the time being, who was compensated by the payment of one shilling out of the Greave's funds.[5]

Neighboures Cattelle of & frome any parte or parcell of the said Commone pasture shall forfaite for everie such defaulte . . . iijs. iiijd." (Court Roll, No. 65. Halmote of Chatburn, etc., 6 May, 25 Eliz.).

[1] Court Roll, No. 85. Halmote of Accrington, 27 June, 1 Jas. I. *Cf. Clith. Ct. R.*, I, 397.

[2] *Ibid.*, III, 102, 120, 124, 131 *et passim*. Court Roll, No. 113 (Halmote of Accrington, 20 Oct., 6 Chas. I) records the appointment of John Heaton, junior, of Deadwinclough "to be incloser *de inclusoris ibidem proximo anno*."

[3] Possibly the duties of the pinder in Haslingden were usually performed by some other officer, *e.g.*, the constable or the greave; but in 1543 two "moorlookers" or "mosslookers" were appointed, and in 1551 two officials who were styled "moss and fence lookers." In Tottington "moorlookers" seem to have been regularly elected. In the manor of Worston four "bylawmen" were elected annually to supervise the common. At times fixed by them, "one sufficiant persone" of every house had to be ready "to dryve the more to there Auncient meres," doubtless to assist the bylawmen in seeing that only the beasts of the tenants depastured on the common, and that these were properly marked and free from disease (By-laws of Worston: Court Roll, No. 65. Halmote of Chatburn, etc., 6 May, 25 Eliz.).

[4] Court Roll, No. 65. Halmote of Accrington, 10 May, 25 Eliz. See Appendix L.

[5] *Ibid.* In Worston, however, it seems that the expense of maintaining the pound was borne by the inhabitants: "Item yt is agreed That everie one of the Inhabitantes within the Towne and Towneshippe of Wurstone afforesaid shall make there partte

Lawyers have distinguished between " common appurtenant " and " common appendant," restricting the latter to the right of pasture attached to ancient freeholds of the manor.[1] The distinction is not important in connection with the four grazing grounds with which we have been dealing, partly because the number of freeholders in the manor of Accrington relatively to copyholders was very small, but chiefly because the extent of the right possessed by both classes of inhabitants was limited in the same way, that is, by the measure of levancy and couchancy. Both were subject to the jurisdiction of the whole body of customary tenants in the manorial courts in the matter of the regulation of the commons, and both were bound by the custom which forbade anyone to alienate his common rights apart from the lands to which those rights were attached.[2] But the rule of levancy and couchancy and the prohibition of separate alienation distinguished the commons of Haslingden, Enfield, Huncoat and Oswaldtwistle from all the other waste lands of the Rossendale area. Upon the remaining pastures common appendant was not possible because they were of comparatively recent origin. On them grazing rights were originally appurtenant to holdings in the Forest, and inasmuch as they were for a fixed number of beasts, or defined in a way which was equivalent to specifying how many head of cattle or sheep they extended to, they were separately alienable, and often in fact came to be enjoyed independently of any tenement.[3] Moreover, for the same reason, it was permissible for those who claimed the right of pasture to put on these wastes their own cattle not levant and couchant in the manor or even the cattle of strangers, so long as by so doing they did not exceed their stint.[4]

and porcion of the Pynfolld within Wurstone afforesaid affore Mayday or els to fforfaite to oure said sovereigne Lady the quene—iijs. iiijd." (By-laws of Worston: Court Roll, No. 65. Halmote of Chatburn, etc., 6 May, 15 Eliz.). The pound played a very important part in the life of the village; for not only were stray animals and beasts trespassing upon or overstocking the common pasture impounded there, but it was the necessary adjunct of the extensive practice of distraining for wrongs suffered and duties neglected. For an explanation of the method of distraint, see *Clith. Ct. R.*, I, 75 n., and the authorities there cited.

[1] Coke on Littleton, 122*a*; Digby, *History of the Law of Real Property*, 155-7; Holdsworth, *History of English Law*, III, 147-50; Scrutton, *Commons and Common Fields*, 54-5.

[2] See the By-laws of the Haslingden commons (given in Appendix K), which in this matter agreed with the general practice relating to common appendant and to common appurtenant which was not for a number certain. *Cf. Laws of England*, IV, 959, 1055.

[3] The court rolls show many shares of these pastures passing separately like ordinary copyhold tenements from one individual to another, especially on Henheads. For example, in 1538 Adam Pecoppe and Reginald Inghəm surrendered " a parcel of land in Henherdes (yearly rent, 2d.) " to Oliver Pecoppe, who in the following year transferred the same (apparently) " parcel " to John Ormerod of Gambleside (*Clith. Ct. R.*, III, 204, 212. Other cases are given: *ibid.*, pp. 37, 212, 232, 245, 250 and 267).

[4] *Cf. Laws of England*, IV, 975.

The most important of the residual commons were Henheads and Wolfenden. For each a lump sum was paid annually to the Crown. As we have seen,[1] in the case of Henheads, the rent was divided amongst the various booths having common of pasture upon it. The amount due from each vaccary was, of course, contributed by the tenants in it, probably in the first instance in proportion to the rents of their respective copyhold tenements, though the available evidence is not sufficiently detailed to permit us to say this with any certainty. Conveyances recorded from time to time in the court rolls show that individual tenants held, in addition to parts of the vaccaries, " parcels " of Henheads rented separately at so many pence ; [2] but, probably, as the result of alienation, the commons rents bear varying ratios to the rents of the tenements. A somewhat similar arrangement probably held with regard to Wolfenden. The " parcels " on these pastures were sometimes called " penny rents," [3] but it is obvious that, since these wastes were not enclosed, the term " parcel " meant nothing more than an undivided share in the common.[4] How, then, was this share restricted ? What exactly did a " penny rent " entitle a holder to ? The most reasonable explanation seems to be that it gave him the right to turn out upon the waste a definite number of sheep or cattle ; yet, though many presentments for overstocking these pastures are entered in the court rolls, no information has come to light which enables us to translate a particular rent in terms of what are commonly called " beast gates."

With regard to Horlaw Head, we find both " parts," [5] *i.e.* shares of the pasture, and " sheep gates " [6] upon it being transferred as appur-

[1] Above, p. 106.

[2] *E.g.*, in 1545 " Edward Ryley surrendered a parcel of land on the higher part of Ryley Hey (yearly rent 6s. 6½d.) with certain lands in Henherds and Frerehill within Accrington New Hold (yearly rent 1½d.) . . . customary tenants of the Forest of Rossendale forbade fine, claiming the parcel of land in Henheids and Frerehill as of their inheritance," etc. (*Clith. Ct. R.*, III, 133).

[3] *E.g.*, in 1520 " Nicholas and Edmund Shaw surrendered two penny rents and a halfpenny rent per annum, parcel of the vaccary lying within Henheids and Frerehill," etc. (*ibid.*, 37) ; and in 1551 a tenant died seised of " a messuage, other buildings, &c., in Wolfenden (yearly rent, 3s. 8d.) with one-third part of a penny " (*ibid.*, 167).

[4] It is actually so called in one entry in the rolls : " a messuage and the appurtenances in Gudshey and Wolfenden, with share of land in Henheids and Frerehill " (*ibid.*, 119).

[5] *E.g.*, in 1598 John Lord of Bacup surrendered a house and a parcel of land " with two beasts to be pastured at all times of the year in a close of land called more grayne and turbary there, with eight parts of land and pasture in le Bacopp more . . . to Alexander Lorde his younger son for 21 years," etc. (Court Roll, No. 81. Halmote of Accrington, 4 Nov., 40 Eliz. *Cf. Clith. Ct. R.*, III, 201, 223).

[6] *E.g.*, in 1591 John Tattersall of Bacup leased a parcel lying in Bacup and a house built upon it, " cum viginti ovibus depascendis in et super Whorlawhelde voc. Bacopmore," etc. (Court Roll, No. 74. Halmote of Accrington, 4 Nov., 33 Eliz.). The same roll contains another lease of premises in Bacup, with " pasture for 30 sheep depasturing annually on Hoarleyhealde pasture."

tenant to premises in Bacup, so that it is reasonable to suppose that this common was stinted by fixed numbers. Yet here again we cannot say how many sheep gates corresponded to a " part " of the pasture, or how many parts or sheep gates belonged to a holding of a given rental. Some of the tenements in Cowpe seem to have carried with them sheep gates upon Crag Moss,[1] while " 2 les beastes gattes upon the land lying in Musbery " were in 1593 conveyed along with a barn and certain closes by a tenant of the ancient park to his son.[2] Presumably these fixed stints might, like the restricted rights on Henheads and Wolfenden, be separated from the holdings to which they were attached, though no separate conveyances of them have been traced.[3]

The value of the common lands to the inhabitants was not confined to the facilities they afforded for feeding their cattle. On waste lands there were other rights of common besides common of pasture. These were comprised in the term " common of estovers "[4]—the liberty to take from the lord's land what was necessary for maintaining a home or farm. Thus the commoner might cut timber for repairing or rebuilding his house (a right which was called " house-bote "), or for erecting and mending his hedges and gates (hedge-bote or hay-bote), or for repairing his plough and his cart (plough-bote). For fuel he might collect fallen branches or the tops and clippings of trees (fire-bote), and where the conditions were favourable he might dig turf. In the Honor of Clitheroe, and especially in such parts as the moorlands of Rossendale, where timber was not plentiful and peat abounded, common of turbary was one of the most valuable adjuncts of a holding.

The moist climate of the western flank of the Pennine uplands produces in the cups and on the flat tops of the hills many beds of peat. Their existence, either present or past,[5] is often indicated by the field or other place-names ending in the suffix " moss." In Rossendale there were the Coddell Moss and the Goodhill Moss,[6] used by the tenants

[1] " The moiety of a messuage and a parcel of land in Cowoppe and agistment of 15 sheep upon Le Crag mosse " (*Clith. Ct. R.*, III, 179). " A messuage, other buildings, tenements, meadow, pasture, moor and moss in Cowpe and 30 ' sheep gattes ' on le Cragemosse " (Court Roll, No. 64. Halmote of Accrington, 18 May, 24 Eliz.).

[2] Court Roll, No. 75. Halmote of Accrington, 15 June, 35 Eliz.

[3] Fixed stints were probably the rule on " mean " lands after harvest. At any rate, Tunstead Hey was gated, for in 1591 certain buildings and lands in Wolfenden were leased along with " 4 les beastes gates in Tunstedheye with sufficient turbary in the aforesaid Hey " (Court Roll, No. 73. Halmote of Accrington, 14 May, 33 Eliz.); and in 1592 there was another lease of " a portion of one close of land called Tunstedhey as now divided and bounded and turbary in the said close . . . with 12 sheep gaits depasturing in the said hey between Martinmas and 25 March yearly " (Court Roll, No. 74. Halmote of Accrington, 29 May, 34 Eliz.).

[4] From O. Fr. *estoveir, estovoir*, to be needful.

[5] Some have obviously been drained and brought into cultivation or been built upon, *e.g.*, Flaxmoss in Haslingden.

[6] *Clith. Ct. R.*, III, 138; Court Roll, No. 67. Possibly these are variants of the same name. I have not been able to locate either.

of Wolfenden Booth, the Stakemoss,[1] belonging to the vaccary of Bacup, the Crag Moss,[2] supplying fuel to the inhabitants of Cowpe, and a moss called George Heyghte Ormerod,[3] dug by the owners of Gambleside. These were, however, but a few of the turbaries available. Some were on the open moor, as that on Cribden Hill,[4] belonging to the tenants of Crawshaw Booth, and probably that on the Lench [5] attached to Newhallhey. Others were apparently in enclosed, but common, ground, as those in Tunstead Hey [6] and Bacup Hey.[7] Besides these, the occupiers of the vaccaries of Rossendale might resort to the beds on Henheads, while the commons of Haslingden, Oswaldtwistle and Enfield provided abundance of turf as well as pasture for the inhabitants of the three neighbouring vills. The right of turbary was exercised on the commons of Tottington until the present century, and even to this day, on the moors of both Accrington and Tottington manors, turf cut for drying may be seen stacked in piles on the ground, or placed on the stone walls separating the fields, not a few of the more remote and isolated farms having to depend on this kind of fuel. Before coal could be easily mined and carted, peat fires must have been the chief means of heating the moorland homesteads ; and it is not surprising to find, as the population increased towards the end of the sixteenth century and the supplies of timber and fuel diminished, an increasing number of stipulations regarding the right to dig turf in the conveyances of property.[8]

Common of turbary, like other estovers (and, indeed, all rights of common), was limited. Special usage or special grant prescribed the place where turves might be cut by any particular tenant. General custom restricted the amount which he might acquire. It was said that the quantity must be reasonable, and the word " reasonable " was usually defined as what was necessary for maintaining one fire on the tenement in respect of which the right was claimed.[9] Thus the tenant was not allowed to sell turves, or to carry them away to burn on his tenement outside the manor. In certain turbaries, however, for example those in the " mean " grounds of the vaccaries, where the supply of peat would be more limited than on the open waste, the right might

[1] Court Roll, No. 74. [2] *Clith. Ct. R.*, III, 174-5; Court Roll, No. 64.
[3] Court Roll, No. 69. [4] *Ibid.*, No. 71. [5] *Ibid.*, No. 69.
[6] *Ibid.*,, No. 73. " Rough Hey " in Tunstead is mentioned in Roll, No. 71.
[7] Court Rolls, Nos. 53, 66.
[8] One of the earliest recorded was in 1553, when two tenants of Cowpe surrendered the moiety of a messuage and a parcel of land with common in the Forest, but stipulated that they should have " turves upon the Cragg Moss to burn upon their own ground " (*Clith. Ct. R.*, III, 174-5).
[9] The place and quantity are often specified in surrenders ; *e.g.*, 1589. Surrender of a house, two closes, a portion of the Rough Hey in Tunstead, " with turbary sufficient for one fire in the Roughe Hey " (Court Roll, No. 71. Halmote of Accrington, 12 April, 31 Eliz.).

even be fixed at a definite amount or at so many days' work in cutting. Such a restriction was evidently enforced on Bacup Hey.[1]

In whatever manner the quantity was regulated, the privilege was jealously guarded, as is proved by the number of presentments and amercements for obstruction in the getting of turf, for digging without licence and for keeping more than one fire upon a tenement. Much of the business of the manorial court was concerned with the safeguarding of this and other rights of common. Something has already been said in this connection. We have seen that it was one of the functions of the pinder to "present" those who overburdened the commons or trespassed upon them with their beasts. Another official annually elected in the Halmote was the Hedge-looker or Fence-looker. As his name implies, he had under his care the supervision of fences or hedges. It is quite probable that, as has been suggested,[2] at a time when much land was being enclosed, it was his duty to see to the setting out of new hedges and to apportion their erection and maintenance amongst the enclosers. But the old fences, both permanent and temporary, must also have come within his purview; and thus his office must have been partially concerned with the regulation of the commons, in so far as the temporary fences were erected upon them and permanent hedges often abutted on them. Temporary fences were, of course, put round such portions of the common or "mean" lands as were reserved for arable or meadow, and it would be the business of the hedge-looker to see that these were not set up before, or kept up after, the dates fixed by the agreement of the tenants.[3] In either case, the rights of the commoners would be interfered with, and presumably it was for an offence of this kind that in 1577 one Edmund Dawson was amerced 8d. because he kept "unlawful fences" between his lands and those of Edward Romsbothom and John Haworth, who evidently held strips on either side of his.[4] Where an enclosed holding adjoined the common land, it was incumbent on the owner to maintain the fence, bank or ditch separating them. This obligation was reinforced upon the tenants of Haslingden by a special order of the Halmote in 1496, when it was agreed that they should "all repair their hedges

[1] So we may infer from the following bilingual entry in the rolls: "1571. John Tattersall of Bacup surrendered to his son 'unum horreum, unam parcellam terr' vocat' Sowecloughe, dimidiu' sive medietat' partem de Bacopp more et cert' sespites in Bacoppheye, *viz.*, yearlye uno daie wirk of turves to begotten in Bacopphey infra forest' sive Chacea de Rossindale" (Court Roll, No. 53. Halmote of Accrington, 17 Jan., 13 Eliz.).

[2] By Dr. Farrer, *Clith. Ct. R.*, I, 277 n.

[3] These temporary fences were often called "ring yards." A by-law of Colne Manor made in 1496 declared that "Whoso has his Ryng yorde not mad by myd Aprill sall lose ijs." (*ibid.*, I, 229). *Cf.* a similar by-law of Extwistle made in 1561 (*ibid.*, 61 n.).

[4] Court Roll, No. 60. Halmote of Accrington, 18 Nov., 20 Eliz. *Cf. Clith Ct. R.*, III, 38 ("keeping hedges in Migeall").

of the common pasture of Haslingden [under penalty] for each of them 4d. to the King's official." [1] Fines were from time to time imposed for neglect of this duty. Thus Ellis Bridge had to forfeit 12d. in 1575, " because he did not make a sufficient bank or ditch (*fossatum*) dividing Brodhead pasture from the common pasture in Haslingden ; " [2] and in 1577 the tenants of Pickup Bank in Hoddlesden were fined 3s. 4d. for omitting to repair the *fossatum* or boundary between their separate pasture and the Haslingden waste after they had been ordered to do so.[3]

A fruitful source of contention was the question of right of way. It would be both interesting and instructive to trace the history of the highways and other roads of Rossendale, especially as they have had both a causal and a consequential connection with the general development of the district ; but it would be outside the scope of the present chapter. Nevertheless, so far as the ways passed over or led to the common lands, it is not altogether foreign to our purpose to touch upon some of the controversies which arose as to their use, in illustration of the difficulties connected with the communal enjoyment of property. Easy and undisturbed access to the common lands was essential if the inhabitants were to enjoy the full benefit of their common rights. That this was not always secured is evident from the many cases of obstruction and of arbitration about the rights of way placed upon record. Sometimes it was a passage upon the common itself that was interfered with, as when Christopher Haworth obstructed a way over Haslingden Moor in 1545.[4] More often the disputes arose where it was necessary for the commoner to pass over his neighbours' lands. In 1522 a tenant of the Forest claimed a way at Chamber Green " for carrying backwards and forwards, and for driving his beasts to and from their pastures," but the owner of Chamber Green sued him for trespass, alleging that he had suffered damage to his crops to the value of 10s. The case was settled by the award to the defendant of a right of way for his carts but not for his beasts.[5] In another dispute a tenant of Crawshaw Booth was granted a passage from his tenement to the Doles in the Holme meadow " at all times of the year for leading and in the winter time or in the ' Ediche tyme,' for one time only, for his beasts." [6] Roads which had been established had to be maintained by the tenants through whose lands they passed. Much annoyance was caused by paths becoming waterlogged or being stopped by gates and fences. An

[1] *Clith. Ct. R*, III, 5.

[2] Court Roll, No. 57. Halmote of Accrington, 12 Jan., 17 Eliz. *Cf.* an amercement " for open fences against Haslyngden common pasture " in 1543 (*Clith. Ct. R.*, III, 123).

[3] Court Roll, No. 60. Halmote of Accrington, 18 Nov., 20 Eliz. Two years previously the tenants of Hoddlesden had been amerced for a like offence (Court Roll, No. 57. Halmote of Accrington, 12 Jan., 17 Eliz.).

[4] *Clith. Ct. R.*, III, 136. [5] *Ibid.*, 41. [6] 1539. *Ibid.*, 103.

instance of the former kind of impediment gave rise to a plea of trespass brought by four occupiers of Constable Lee against two others for an " insufficient road " leading to the common turbary. The defaulters were ordered " to repair the road adequately without allowing a gutter to run down there so that the plaintiffs could fetch and carry their turf," and arrangements were made for the diversion of the stream which had been the cause of the trouble.[1] A more active form of interference was complained of in a dispute among certain inhabitants of Wolfenden Booth. One of these had obstructed his neighbours " from winning turf on the Coddell Mosse and from using a road through the Calffe Hey." The Halmote confirmed both the right of turbary and the right of way.[2]

As a final illustration of the inconveniences caused by the lack of adequate means of communication, we may cite a petition presented to the Duchy Court of Lancaster for the establishment of a way in Constable Lee. It will be remembered that this vaccary, like most of the others, had been divided into four parts on the approvement of the Forest lands in the reign of Henry VII. It had also, like the others, had its " mean " land apportioned to it out of the waste. But it seems that ways had been allotted between the severalties of the old lands in the booth and the new land on the " mean " for only three of the four divisions. Application for a road was now made by the occupiers of the fourth part, who represented that for want of it they were unable to enjoy their shares of the " mean " to " theyre profitte." The Duchy Court issued a commission directing the Steward of the Honor or his deputy to call a jury to view and survey the vaccary and assign the necessary way. A jury of seventeen copyholders was accordingly impanelled, and after investigating the situation they reported their decision to the Chancellor delimiting the way in precise terms.[3] Their finding was subsequently embodied in a decree.[4]

A comparison of our enumeration of the waste grounds with the map will make it manifest that in many parts of the Rossendale area they were contiguous with one another. As a matter of fact, the vills and hamlets with their cultivated closes were only islands—though gradually enlarging islands—in a sea of waste. Each settlement naturally depastured on the unoccupied land adjoining it, and continued practice or special grant established for each an exclusive right upon some special portion or portions. While the settlements were small and the area of waste comparatively large, the extent of the common appropriated by each—like the measure of the right assumed by the

[1] 1537. *Clith. Ct. R.*, III, 91.
[2] 1546. *Ibid.*, 138. A case of obstruction of a way leading to Wolfenden pasture is given, *ibid.*, p. 113.
[3] Dy. Lanc. Spec. Comm., No. 1020.
[4] Dy. Lanc. D. & O., No. 27, fol. 991, 1003.

individual user—was a matter of little importance. But there would inevitably come a time when vague understandings would have to be clearly defined. Except, perhaps, so far as the pastures of Henheads and Wolfenden are concerned, we do not know when the individual rights were restricted, but as to the fixing of boundaries, we are in a better position. The rapid growth of the sixteenth century brought the claims of the neighbouring settlements into conflict, and it became necessary in the interests of peace and progress to limit precisely the share of the waste belonging to each section of the community. We are fortunate in possessing information which, if not complete, is at any rate sufficient to throw light on the process by which the final demarcation was attained.

Quite early in the century we read of groups of settlers protesting against the use of their pastures by outsiders, and, if our records were more complete, we should doubtless find that complaints of this character date back to a much earlier time. The so-called " trespasses " upon the common were not always offences by inhabitants of the vill to which it belonged ; sometimes a resident of one vill took the liberty of turning his cattle, or allowed them to roam, upon the pastures of another which happened to be near his tenement. The common pasture of Haslingden, for example, was so extensive that it offered a temptation to the inhabitants of many surrounding places. Thus, in 1538, the court inflicted fines for unlawful agistment there on fourteen persons, some of whom were tenants of Musbury and others of Oakenheadwood.[1] In 1543 a dozen more were amerced for the same offence, including inhabitants of Hoddlesden as well as the two places previously mentioned.[2] Even if all who were presented were not guilty of intentional incroachment, it must have been almost impossible in the absence of permanent fences to prevent the cattle or sheep from one or other of the many colonies now springing up in the midst of the moors from straying beyond their bounds. And the trouble would be intensified if the bounds had never been definitely fixed.

The pasture of Henheads was a typical example of a common with undefined boundaries. On the south it merged into the waste of Haslingden ; on the north and north-east it bordered on the moors of Huncoat and Hapton. By the end of the century, its limits had been settled by special commissions, but, before the first of these had been appointed, there had been a dispute between the copyholders of Haslingden and the copyholders of the Forest, which exemplifies the sort of difficulty that made delimitation necessary. The bone of contention was a piece of the moor rich in peat, which the Haslingden tenants claimed to be part of their common and the Rossendale tenants to be part of Henheads. The details of the quarrel are set out at length in

[1] *Clith. Ct. R.*, III, 95. [2] *Ibid.*, 123.

a document to be found among the pleadings of the Duchy Court of Lancaster.[1] It appears that in 1589 the inhabitants of the booths had dug turf upon the ground in question, but that, to use their own words, a body of men from Haslingden had entered and "in most dispitfull manner had cut the Turves in sunder." They had therefore begun an action for trespass in the Halmote, but the assailants, they said, had refused to have a trial there. Accordingly they appealed to the Court of the Duchy. They now asserted that the copyholders of Haslingden had about twenty years previously enclosed some 40 acres of land which had always been considered part of Henheads, and that, as the same tenants further intended to enclose all their part of the moor adjoining Henheads, both sides had met and agreed upon the boundary of the two pastures in order to avoid future controversy. A ditch or "copp" had actually been cast up to mark the division, and the turves which the plaintiffs had dug had been taken from the land assigned to them. These statements were traversed point by point by the people of Haslingden.[2] They replied that the enclosures made were within their own township and "a good way distant from the meares and boundaries of the grounde called Henheddes." The agreement alleged by the plaintiffs had never been made, nor had any boundary been fixed. The turves had been taken in Haslingden waste, where the right of common and turbary belonged to the defendants, who had cut them up in a lawful and peaceable manner as they were entitled to do. Moreover, the tenants of Haslingden had not "directly" refused to stand trial in the Halmote, but had merely objected to having the case adjudicated by a jury of whom only four out of the twelve jurors were copyholders of Haslingden.

It is to be regretted that no decision to this interesting suit has been discovered. But, however it was concluded, the action of the men of Haslingden and the conflicting statements of both parties forcibly illustrate the position to which rival claimants were wont to be brought in their endeavour to appropriate vague and undetermined benefits. That the boundary was eventually fixed we may well believe, since within a few years special commissions were appointed by the Duchy Court to establish the contested boundaries on the side of Huncoat and Hapton,[3] and, as will be seen in the next chapter, both the Haslingden pasture and Henheads itself were partitioned in severalty among their respective commoners in the early part of the seventeenth century.

[1] Dy. Lanc. Pldgs., 159, T 4; 33 Eliz.

[2] *Ibid.*, T 4*a*. "Answer of Robert Holden," who was evidently acting for the copyholders of Haslingden as a whole.

[3] The boundary between Henheads and Hapton was fixed in 1596 along with that between Huncoat and Hapton (Dy. Lanc. Spec. Comm., No. 554. The awards are printed in *Clith. Ct. R.*, III, viii.). The boundary separating Henheads from Huncoat was determined in 1598 (Dy. Lanc. Spec. Comm., No. 572).

About fifteen years before the trouble on Henheads, there had been litigation arising out of similar disagreements on Enfield moor; and, as again our records are incomplete, we have to piece the story together from fragmentary evidence. There were apparently two disputes in this case, one as to the line between Enfield and Altham, the other as to the boundary of Enfield and Church. In the first, a Nicholas Bannester claimed as lord of the manor of Altham to hold a part of the moor which he said was separated from Enfield by certain stated bounds. The copyholders of Accrington, on the other hand, denied that Bannester "had any such manor of Altham" in respect of which he could be entitled to any part of Enfield waste. Thereupon the claimant produced his deeds, in which not only was Altham called a manor, but "certeyne wast groundes" were said to belong to it. As, however, the plaintiff "showed no court rolls nor any proof that there was ever a Court Baron of Altham," the Duchy Court ordered commissioners to search the "Queen's records in these parts," in order to ascertain whether the lord of Altham had ever been or been reputed to be one of the judges of the Hundred. If Bannester's right to a Court Baron were established, the commissioners were to inquire and search out the true bounds.[1] After this decision there is a break in the records of this dispute, but three years later proceedings were begun by the same copyholders of Accrington against three tenants of the neighbouring township of Church, whom they accused of digging turves upon the waste of Enfield and interfering with their rights of common.[2] Once more the line of demarcation averred by one side was contested by the other; but the disagreement in both instances must have been shortly composed, for, in less than a month from the commencement of the second suit, the copyholders of Accrington presented a petition to the Duchy Court for permission to enclose "sixty-four acres of waste . . . adjoining to the wastes and commons of Altham, Clayton and Church, and divided from the said wastes by special boundaries already proved and decreed in this Court."[3]

It is quite evident from the frequent quarrels that took place among the different groups of inhabitants in the manor of Accrington that there was little of that accommodating practice which gave rise elsewhere to the reciprocal right known as common of vicinage. Where the separate pastures of the two vills adjoined without a dividing fence, it was in some places the custom to permit the cattle lawfully grazing upon one to stray into the other; and, so long as the beasts of a commoner did not exceed the number he was entitled to put upon his own common, they could not be distrained for trespassing upon the other.

[1] Dy. Lanc. D. & O., No. 15, fol. 491.
[2] Dy. Lanc. Pldgs., 105 R 1; 19 Eliz.
[3] Dy. Lanc. D. & O., No. 15, fol. 702. The partition of Enfield has been dealt with in Chapter II, p. 54.

An arrangement of this kind might exist even between the inhabitants of different manors. Possibly, where the right of pasture was enjoyed in conjunction with the right of turbary, there might be objections to the establishment of a right of common of vicinage. But, for whatever reason, no such right obtained between the tenants of the various vills and hamlets of our district, though their different common lands lay in contiguity with one another in almost every direction. And, if there was no reciprocity between the tenants of the same manor, it was not likely to exist between tenants of different manors. Indeed, all that has been said about the jealousy of groups of participators in the commons as against other copyholders within the manor of Accrington can be paralleled from the relations between Accrington and its neighbours. Take, for instance, the following brief entry in the records of the Halmote of Tottington: "The jury say that the tenants of Cowoppe (12d.) trespass with their beasts in Dureden." [1] Cowpe, as we know, lay near the southern confines of the manor of Accrington. The tenants pastured on the high ground across which ran the boundary of Tottington, and near which was Dearden Moor, a common pasture of that manor. They had evidently allowed their beasts to wander across the boundary, and were accordingly fined for their neglect. On the eastern fringe of the Forest there was waged a lengthy feud between the people of Bacup and the inhabitants of the manor of Cliviger, which is worth recording as an example of the tedious process by which rival populations sometimes advanced to a delimitation of their rights.

The eastern border of the Forest of Rossendale had always been a matter of uncertainty. Nature marks it out as lying along the ridge which runs south-eastwards from Thieveley Pike for about a mile to another hill unnamed,[2] and thence southwards for a mile and a half to Tooter Hill. From there it would seem to turn in a south-westerly direction to Brandwood Moor. It was the northern portion of this boundary that was fought over for more than thirty years,[3] for it was

[1] *Clith. Ct. R.*, III. 280.

[2] The remains of an old dyke may still be seen on the top of this ridge.

[3] The account which follows is compiled from the following documents preserved in the Public Record Office:—

1569 Tenants of Accrington *v.* Tenants of Cliviger. *Re* Bacup Vaccary and Cliviger Moor and Right of Common of Pasture and Turbary. Dy. Lanc. Pldgs., 80, W. 6; 11 Eliz.

1570 Attorney-General *v.* John Townley. *Re* Horlaw Pasture & Cliviger Moor and the Boundaries thereof. *Ibid.*, 81 A 10; 12 Eliz.

1575 Copyholders of Bacup *v.* Freeholders of Cliviger. Commission to Inquire as to the true Bounds. Interrogatories and Depositions. Dy. Lanc. Deps. II, 17 Eliz., 8.

1576 *Inter* Whittaker *et* Townley. *Re* Bounds between Vaccary of Bacup and Cliviger Moor. Dy. Lanc. Draft Decrees, Fil. 18 Eliz.

For continuation of footnote, see p. 124.

here that the common lands of the township of Cliviger and the vaccary of Bacup met. The boothmen held that the true line of demarcation ran from Deerplay Hill *via* Pikelaw (Thieveley Pike), Rowton Clough Head (Ratten Clough Head) and Hackegate to Tooter Hill—a line fairly corresponding to the natural boundary above indicated. The people of Cliviger, however, claimed that the division had been mutually fixed at the time of the disafforestation by the placing of a number of marked stones at some distance to the west.[1] Between the two lines lay a stretch of moorland some 240 acres in extent, upon which, as it was claimed by both settlements, each regarded the other as usurping its rights.

There must have been a good deal of wrangling and chasing of beasts before, in 1569, the tenants of Bacup commenced an action for trespass against their neighbours. They charged the people of Cliviger with intruding upon their common pasture and with impounding their cattle until they had paid "greate fynes" for their release. They further stated that the defendants had ill-treated the cattle which they had detained, even beating them to death, and that they were still in possession of a number of sheep belonging to the vaccary. The Cliviger men replied that they had seized the cattle as "damage fesaunte" upon their own common of Cliviger and denied ill treatment. The inhabitants of the booth, they declared, had acknowledged the right of the defendants, since they had, in making application for the restoration of their cattle, undertaken to pay not only the accustomed poundage, but also compensation for damage done; but, because the owners were unable to pay the whole fine immediately, it had been agreed that Cliviger should give up all the beasts impounded save a few sheep, which were to be retained until a certain date as a pledge for payment. These sheep the tenants of Cliviger were now keeping as the necessary sums had not been forthcoming.

The usual counter-denials followed. How this particular suit was determined—if it ever was determined—the records do not reveal. It is certain, however, that the dispute was not settled, for the ownership of the same piece of land was still being contested at the end of the century. Until about 1584 the litigants were particularly busy, one

1578 J. Townley and others, Freeholders, *v.* John Whitacre and others, Copyholders. *Re* Bacup Vaccary and parcel of Cliviger Moor. Dy. Lanc. Pldgs., 108, T 1; 20 Eliz.

1579 Whitichars and others *v.* Townley. Interrogatories and Depositions. Dy. Lanc. Deps. II, 21 Eliz., 42.

1584 *Inter Tenentes de Bacup et Tenentes de Cliviger*. *Re* Bounds of 240 acres, parcel of Cliviger Moor. Dy. Lanc. Draft Decrees, Fil. 26 Eliz.

1601 Tenants of Bacup *v.* Tenants of Cliviger. Commission to survey Horlaw Head and Common of Cliviger and inquire true Bounds. Depositions and plan. Dy. Lanc. Deps. II, 43 Eliz., 3.

[1] See the map, p. 107, and plan facing this page.

PLAN

prepared by a Commission appointed to Survey & Inquire the true Bounds of

HORLAW HEAD & CLIVIGER COMMON

43 ELIZABETH

The original is preserved in the Public Record Office (Dy. Lanc Deps. II, 43 Eliz. 3)

[To face page 124

side or the other beginning fresh suits which never seemed to reach finality. The crux of the whole matter was, of course, the correct boundary between the two commons. The boothmen declared that the stones had been set up without their consent, but the freeholders of Cliviger represented that they had stood for more than half a century " without complaint or gainsaying of the tenants of Bacup." On the other hand, when the Cliviger claimants attempted to support their case by producing records of the Bailiff's accounts of the Wapentake showing that two of their ancestors had enclosed plots on the land in variance, holding them as of the manor of Cliviger, it was found that there were slight discrepancies in the different entries. Moreover, it was admitted that there had been an agreement by which Bacup was to be permitted to depasture a certain number of cattle on the unenclosed lands on both sides of the merestones. Manifestly, nothing definite could be decided from such uncertain evidence, and so a kind of interim decree was issued (1576). It was ordered that the stones should stand as the boundary until proved to be wrong, but that meanwhile the agreement as to depasturing the Bacup cattle should continue to be observed. Further, it was decreed that, for the purpose of determining the rightful ownership of the disputed area, the tenants of Bacup should drive a beast of their own on to the moor within 60 yards of Pikelaw, so that it might be distrained and a trial had at common law.

It would seem that this decision did not commend itself to the copyholders, as for some time they refused either to drive forth a beast or to accept the merestones as the definitive boundary of their lands. The people of Cliviger, however, were determined to bring the matter to issue, and more than once sued their neighbours for failure to carry out the decree. At last the tenants of Bacup were induced to conform. A heifer was driven to the appointed place and duly impounded. The action was tried at the Assizes in 1583, and the jury found that the beast had been taken on the common of the vaccary. Even that did not settle the matter; for when the victorious party applied to have the bounds established in accordance with the result of this trial, the Duchy Court, in decreeing the more easterly dividing line, stipulated that the marked stones were not to be removed, in case the defendants should bring further action. It is very probable that further action was brought, for in 1601 a commission of inquiry was appointed to ascertain the true bounds. Witnesses for both sides were examined and a map was prepared. The plan and the depositions have been preserved, but no further records relating to the controversy have so far been discovered. The boundary of Bacup at the present time corresponds with that claimed by the tenants of Cliviger, but we are unable to state when it was finally established.

From evidence given in connection with the litigation about the bounds of Enfield and Henheads, we are led to believe that there was

some intention on the part of the copyholders of Accrington and Haslingden to divide their commons amongst them; and there is reason to suppose that a similar purpose lay at the back of the minds of the tenants of Bacup in wishing to have the limits of their pasture on Horlaw Head legally defined. An eagerness to enclose would naturally bring the question of boundaries into prominence, independently of any determination to safeguard the community's rights; for the investigation of the extent to be enclosed would be a necessary prelude to partition. In the other kinds of disputes dealt with we see something of the inconveniences and disadvantages attaching to the communal use of land, and pointing to the desirability of enclosure. Open pastures are liable to be invaded by strange animals, and open turbaries to be dug by individuals without legal right. Some who possess rights are apt to take more than their fair share, while others find their way to and upon the commons obstructed, especially if it lies through the lands of their neighbours. Careless tenants allow the fences of their tenements adjoining the common to fall into disrepair, so that their beasts stray on to it or the cattle from the pasture wander beyond bounds. There can be little doubt that such annoyances as these, combined with natural human acquisitiveness, prompted a desire for individual ownership. We have already seen expressions of it in the requests made to the Crown for permission to divide certain portions of the waste by those who claimed shares upon them. In a subsequent chapter we shall see how, in the early years of the seventeenth century, that desire was exploited by a necessitous royal landlord.

CHAPTER V.

THE COPYHOLD DISPUTE AND THE DIVISION OF THE COMMONS.

I.

The study of local history owes no small part of its value to the fact that it frequently helps to give clearness and precision to our conceptions of historical development. Local details and particular instances illuminate the operation of general causes. Perhaps the foregoing chapters will, if sometimes describing obvious phenomena, throw some light on the manner in which a virgin soil may rapidly pass into cultivated settlements and a community of widely diffused property may be evolved. Within a century the desolate moorland of the eastern part of our district had been sprinkled with some dozen tiny hamlets peopled by small pastoral farmers, while in the west the two townships of Haslingden and Accrington had grown steadily in size. The landholders were almost to a man copyholders. The booths had been granted by copy; the enclosed waste and the partitioned pastures were almost entirely held by copy. A great deal of commerce in land had followed the appropriations, property had repeatedly changed hands, and by the machinery of leases and mortgages new interests in land had been created. The peaceful and thriving inhabitants seemed well established when the even tenor of their lives was disturbed by the action of James I in disputing the validity of their estates.

The question of tenant-right, it is true, was not a novel subject of controversy. It had been acute in other parts of England for over a century; but just as Rossendale had been outside the main current of events in the matter of enclosures, so had its inhabitants hitherto escaped the harassing consequences of the tenure troubles which had vexed the peasantry in the midlands and the east. And when the trouble came, it did not spring from quite the same immediate motives as those which gave rise to suffering and litigation elsewhere. The great landlords in other parts denied the security of their tenants in order to get rid of them for the purpose of engrossing their small

holdings into large sheep runs. In Rossendale the Crown called in question the tenures of its subjects with the scarcely disguised object of raising money. Both here and elsewhere the dispute had an intimate connection with the enclosing movement ; but, whereas in other manors the insecurity of the copyholder afforded the opportunity of robbing him of his rights in commons and wastes, which might be enclosed by the lords, and so led to a diminution of the yeoman class, in the manors of the Honor of Clitheroe the outcome of the dispute was to establish the small holder more firmly, to hasten the enclosure of waste, and actually through sales and leases of the new intakes to lead to an increase in the number of small farmers. This difference was largely the consequence of the heritage of debt and the inadequacy of the ordinary revenues of the Crown to meet the increasing expenses of the State, which came to James I when he ascended the throne of England. For this reason the copyhold settlement and the further progress of the enclosing movement in Rossendale (as in other Royal estates) need to be considered in connection with the royal policy in the matter of land tenures.

Though the political effects of the financial difficulties of the early Stuarts have received much attention at the hands of historians, the influence which they have had in modifying the development of trade and industry, and in moulding the conditions of rural life have not yet been fully explored. The problem presented by the poverty of the Crown on the one hand, and the unwillingness of its comparatively wealthy and lightly-taxed subjects to improve and extend its financial system on the other, had the effect of rendering necessary the policy which the theory of Divine Right made desirable. For, if the House of Commons would not grant the supplies necessary to make income balance expenditure, the Crown must seek to render itself independent of Parliament by meeting its liabilities in other ways.

When James I ascended the throne of England, the days when the king could " live of his own " may be said to have gone for ever. Not only had the expenses of Government increased with the growing complexity of civilisation, but the real value of the revenue from Crown lands and from feudal, ecclesiastical and judicial perquisites had greatly diminished with the fall in the purchasing power of the precious metals. Though the deficit had been enlarged by the costly foreign policy of the Tudors, and was to be still further aggravated by the extravagance of the Stuart Court, it is doubtful whether, even with the most rigorous economy, the financial needs of the State could have been met without resort to special Parliamentary grants. For a long time, Parliament had found it necessary to sanction the levying of tunnage and poundage by the Crown, and with increasing frequency had been compelled to yield direct taxes in the form of subsidies, fifteenths and tenths in order to defray both ordinary and extraordinary charges. Parlia-

mentary taxation was becoming more and more a necessary means of carrying on the work of Government, yet that was a fact which seems never to have been grasped by the ordinary member of Parliament of the time; and while much of the unwillingness of the Commons to meet the demands of the king was due to a sound mistrust of his policy and a well-founded dislike of his wastefulness, their failure to realise the true situation was a contributory cause of the difficulties of the reign.

Since Parliament and the Crown could not arrive at an accommodation, the latter was perforce thrown upon its own resources. One of the most obvious methods that suggested themselves was the exercise of the royal prerogative in matters of trade. The famous dispute about impositions arose out of the claim of the Crown to regulate the commerce of the country—a claim which in the judgment in Bate's case received its most definite and sweeping expression. The widespread system of patents and monopolies was another manifestation of the way in which the royal prerogative was made to subserve the royal needs.[1] In both cases what had been in previous reigns merely administrative expedients directed towards the protection of native trade and industry, now became part of a vast machinery designed to free the Crown from the necessity of resorting to Parliament for financial assistance.

(i) The State Papers of the time abundantly illustrate the energy and ingenuity with which the king's advisers sought to enlarge the royal revenues. Every means of raising money was explored: old methods that had been adopted by previous sovereigns were examined to see how they might be made to produce a greater yield; new proposals were made to tap sources hitherto unused. Amongst the older devices was that of realising on Crown lands. Towards the end of her reign Elizabeth had been forced to part with many of the royal estates in order to defray the expenses of her wars,[2] and there are not wanting indications that, had she lived longer, the policy of rack-renting these properties and of disposing of them for ready money would have been more vigorously pursued. During the first decade or more after her death scarcely a year passed without one or more commissions for selling, leasing or farming the king's manors and lands, forests, woods and coppices, ruinous houses and castles. In many cases, no doubt, the commissioners dealt with individual purchasers and lessees direct,

[1] For a full treatment of this method of regulating industry see Unwin, *Industrial Organisation in the 16th and 17th Centuries, passim*, especially Chap. VII.

[2] See *Cal.* S.P.D., 1598-1601, pp. 334, 425, 438, 479, etc.; 1601-3 and Addenda 1547-65, pp. 45, 95, 114. According to one paper (1601-3, p. 304), lands to the value of £817,359 were sold towards the defrayment of the total war expenses of £4,978,054. There appears also to have been a great increase in the number of leases of Crown lands granted during these years.

but some of the business was done through contractors,[1] who bought or leased estates in lots as a speculation. Much land was thus thrown on the market, but that the demand for it was keen is shown by the readiness with which it was taken up.[2] Leases, on renewal, were either compounded for or let at increased rents,[3] while speculators bid against each other for the privilege of renting the king's woods.[4]

Besides the royal inheritance, there were other lands which fell from time to time into the king's hands. Reversions of entailed lands, remainders of grants, forfeitures of the estates of recusants, rebels and other offenders against the law,[5] added to the amount of disposable property by which the Crown might swell its income. These were sold or leased, as the Crown lands were. Several commissions were issued to inquire into "concealed lands,"[6] *i.e.*, to ascertain what lands, which ought to have reverted to the Crown through failure of entail, attainders, forfeitures and the like, had been "unjustly detained and concealed;" while not infrequently individuals undertook to search out such appropriated estates on condition of being granted the whole or part of the lands discovered.[7] In this way an impecunious sovereign sometimes rewarded his servants,[8] and one commission was actually issued to treat with pensioners of the Crown with a view to inducing them to

[1] The company referred to as "John Eldred and other Contractors" both purchased and leased many lands: *Cal. S.P.D.*, 1603-10, pp. 523, 560; 1611-18, pp. 5, 18.

[2] In 1609, lands to the value of £426,171 19s. 1d. had been sold since the king's accession (S.P.D., Jas. I, XLVIII, 33).

[3] See *Cal. S.P.D.*, 1603-10, p. 489. A note made in 1609 showed that rents on demises of the king's lands had been increased nearly 25 per cent. (S.P.D., Jas. I, XLIV, 99). The desirability of increasing the rents on renewals of leases was more than once urged by the king's advisers (S.P.D., Jas. I, LXI, 25; LXXI, 98). In one case the writer stated: "I am perswaded that where the present estate exceedes not two lives or 30 yeeres, the tenants will easyly be drawn to give fower times the old rent they now pay; and for that which exceedes that terme, three times the old rent (over and above that which they pay allready) . . . so as they may have the land graunted unto them in free socage."

[4] One offered £10,000 a year more than the profits then accruing (S.P.D., Jas. I, XXVIII, 109); and two other offers were made of £20,000 a year (*ibid.*, 110, 111). The king ordered a survey to be made of all his woods with a view to letting them out (*ibid.*, 114).

[5] A notable instance is the escheat of lands in Ireland as the penalty of rebellion or supposed treason, and the granting of these to "undertakers" for the purpose of establishing colonies or garrisons of English settlers as a counterpoise to the refractory natives. A precedent was set in Elizabeth's reign in the confiscation and plantation of Munster after the Desmond revolt (see Froude, *History*, X, 229 *et seq.*), and was followed by James in Ulster (see Gardiner, *History*, I, 433-41; VIII, 1-28; X, 43; and Johnson, *Draper's Company*, III, 16-17).

[6] See *Cal. S.P.D.*, 1603-10, pp. 444, 460; 1611-18, p. 534.

[7] *Ibid.*, 1611-18, pp. 137, 293, 385, 589.

[8] Thus was Eliz. Walling recompensed for her services to the king's lately deceased son Prince Henry (*ibid.*, 1619-23, p. 108).

accept discovered lands in lieu of their annuities.[1] Where, however, the holders were prepared to offer a composition, they were allowed to retain their usurped property.

The considerable transference of land which these proceedings imply was in reality only a symptom of a great change which was coming over the English system of land tenures. Leases and sales of real property, and especially of royal demesne lands, were, of course, not a new development in themselves, but in their purpose and effects those of the late Tudor and early Stuart period are to be distinguished from those of earlier times. For these transactions were now made with the avowed object of raising money, and therefore partook of a more strictly commercial character than formerly. In this respect State policy was co-operating with economic forces which had for over a century been rendering the old territorial relationships inconvenient. Under the combined influence of the development of trade and industry and of the fall in the value of money, land had become commercialised. People who acquired landed property now took it for the pecuniary gains to be derived from it. Those who already owned it desired to reap the full economic advantage which it was capable of yielding. Considerations of social dignity and the obligation to perform public services, which made the maintenance of armed retainers and of peasants who might render labour service necessary, played a less important part than formerly in the motives which made the possession of land desirable. The mediæval baron had disappeared, and the lord of the manor was coming to occupy a different position and to perform a different function from those of his predecessors of two or three centuries earlier. Villein tenure had changed into copyhold, and now copyholds were giving place to leaseholds and freeholds, and even the copyholds that persisted changed their nature. Labour services and customary payments were disappearing, because they were disadvantageous to the landlords, and the tie between them and their tenants took more and more the form of an economic rent.

(ii) If the relationship between the different classes settled on the land was undergoing modification under the solvent action of a monetary economy, that between the king as the supreme landlord and his tenants-in-chief had even earlier [2] changed for reasons not dissimilar in their effects. Military tenures had once been really military. Service in arms on behalf of the State had been, in Norman times, the

[1] *Cal. S.P.D.*, 1611-18, p. 534. In her instructions to the Commissioners for Composition of Concealed Lands (1600), Elizabeth directed that the pretended owners should have preference to compound "if they will give as much as others" (S.P.D., Eliz., CCLXXV, 128), and a suit of Lord Aubigny for a grant of concealed lands discovered by him was rejected by James I on the ground that the holders would offer "10 years' rent at least" (S.P.D., Jas. I, XXVIII, 41, 42, 43).

[2] Military service of military tenures was becoming obsolete in the thirteenth century.

raison d'être of this form of land ownership, and the king's interest in the distribution of the national soil arose out of the incidents connected with the tenure. Moreover, the military tenant performed definite governmental functions which gave him rights over his subtenants. But as the methods of waging war changed and the central Government tightened its hold over the local franchises, the importance of military tenure diminished. Hence military services came to be commuted into scutages and other forms of taxation.[1] Just as labour services were becoming disadvantageous to the lord of the manor, so had knight service become unnecessary and inconvenient to the king.

Yet in both the chief and the inferior tenures the commutation had been only partial; for in each the incidents of the tenure survived. In the course of time, while these continued to be a source of profit to the lord, they came to be regarded as a source of irritation by the tenant—a grievance which the latter felt more and more acutely as the quantity of land held in fee simple, in fee farm, or as leasehold increased. It was not unnatural that tenants should wish, and even be prepared to sacrifice something, to be free from the inconveniences attaching to their position, nor that a sovereign on the look-out for means of increasing his income should endeavour to exploit that desire.

The most oppressive of the rights of the Crown over the tenants were wardship and marriage, but the extraordinary aids—to ransom the king's body when taken prisoner, on the knighting of the king's eldest son, and on the first marriage of the king's eldest daughter—might also become burdensome on account of their uncertainty and of the opportunities of extortion they afforded. This was made manifest when, in 1609, James I demanded an aid on the occasion of the knighting of his eldest son. The annoyance caused by the revival of a tax which had not been levied for more than a century quickened the desire of the Crown tenants to destroy the antiquated and obnoxious system of feudal exactions. Hence the Commons proposed to settle on the Crown a fixed revenue for the dues, and to limit the amount of the aids when the occasion for levying them arose. The king was prepared to bargain, and the attempt to convert the military tenures into something approaching free socage—known as the Great Contract—would possibly have succeeded, if the financial question had not been complicated by religious disputes. Owing to the failure of the negotiations, however, the king lost his opportunity of a greater revenue, while the tenants had to wait till after the outbreak of the Civil War before they were rid of this vexatious form of taxation.[2]

[1] W. S. Holdsworth, *History of English Law*, III, 37-46.

[2] Military tenures were abolished by parliamentary ordinance in 1643, and at the Restoration Charles II agreed to an arrangement by which the Crown was to forego for ever its claim to the feudal dues and purveyance in consideration of a grant on beer and other liquors.

(iii) Another proposal of a similar character, though less well known than the Great Contract, also failed of being carried into effect. Apparently at the beginning of the reign it was intended to issue a commission for the purpose of enfranchising the king's copyhold and customary lands. At least instructions were drawn up for the guidance of those who were to be entrusted with the business. In consideration of the remission of their labour services and other incidents, the tenants were to pay in two instalments a sum of money equal to one hundred years' purchase, more or less, of their customary rents, while the latter, with such heriots, reliefs and suit of court as the commissioners should think expedient, were to be reserved.[1] For some reason the copyholds of the ancient inheritance of the Crown, of the duchy of Cornwall, the earldom of Chester and the principality of Wales were to be excluded from this scheme, but there seems to be no doubt that the idea of making free all the customary tenures of inheritance dependent on the Crown was mooted. Whether the commission mentioned above was actually issued or not does not appear, but a later examination of the question seems to have brought to light difficulties which made a general enfranchisement impracticable. It was found to be very improbable that all the king's manors, or that all the king's tenants in individual manors, would consent to purchase their freedom. Many tenants, indeed, were too poor to do so, even if easy terms of payment were offered. Further, the previous action of the Crown in selling the fee simple of some of the manors for twenty-five years' purchase, and in confirming the customs of others by Exchequer decrees for sums as low as one, two, or three years' rent, militated against the prospect of success in inducing tenants to offer the composition now proposed of as much as forty or fifty years' rent. Nor, even if suitable terms could be arranged, were the copyholders all agreed as to the advantages to be gained from the enfranchisement of their holdings. Some feared the loss of certain privileges, such as immunity from attendance as jurors at the local courts, interests of common and rights of way, unless these should be guaranteed by Act of Parliament, the passing of which was uncertain, or unless their estates were made over to feoffees in trust, in which case their right of disposal would be curtailed. The fact that many manors had been leased, and that special arrangements would have to be made with the farmers, also complicated the question. Moreover, there was to be considered the expense which would be entailed in granting the large number of commissions that would be necessary for the execution of the project. Finally, it was pointed out that fee-farm rents would be less certain and prompt of payment and more costly to collect than copyhold rents, inasmuch as the copyholder forfeits his estate if he

[1] S.P.D., Jas. I, IV, 31.

fails to pay his rent on demand,[1] while the fee farmer may delay payment until forced by a threat of distraint.[2]

Such being the obstacles in the way of a general enfranchisement of its copyholds, the Crown had perforce to proceed by way of treating with individual cases.[3] It was clear that, if any satisfactory profit was to be gained by the king, it could only be by agreement with those tenants who could see sufficient advantage in purchasing the freedom of their tenures. As the negotiations proceeded the objections of the tenants became more manifest. To those described above was added the suspicion that their freedom would not be secure[4]—a suspicion which, in view of other proceedings on the part of the Crown in the matter of tenures,[5] was not without justification. To overcome the hesitation of doubters an Act was passed in Parliament "for the Confirmation of Decrees hereafter to be made in the Exchequer Chamber and Duchy Court (of Lancaster) concerning Customary and Copyhold Lands and Tenements."[6] In addition, it was suggested by the king's advisers that special inducements should be offered to expedite arrangements. Ample time for the payment of the purchase money should be allowed, and if necessary the tenants should be permitted to divide the commons, where these were not too extensive. Such a concession, it was shrewdly argued, would give the copyholders "great contentment in their doubtes and make them give the king something the more for the same [commons]; which did never yield him any benefit before."[7]

[1] *Cf.* Coke, *Complete Copyholder*, Sect. 57. [2] S.P.D., Jas. I, LIX, 44.

[3] *Ibid.*, CIV, 73. *E.g.*, a warrant was issued on 25 July, 1615, to grant a commission for the survey of the manor of Kidwelly (Co. Carmarthen) with power to compound with the tenants for enfranchisement, on doubling their rents (*Cal. S.P.D.*, 1611-18, p. 298).

[4] S.P.D., Jas. I, CIV, 74. [5] See below, pp. 140 *et seq.* [6] 7 Jas. I, c. 21.

[7] S.P.D., Jas. I, CIV, 73. *Cf.* also LXI, 65: "Particulars of a Commission to deal with Copyholders": (1) To treat with tenants for the purchase of estates in fee farm to be held in free socage; (2) if tenants prefer to remain copyholders, to treat with them to have their fines declared certain and their customs established according to the Act of 31 Dec., 1610; (3) to treat with copyholders claiming rights in His Majesty's wastes and commons for improvement of the same; (4) if some tenants refuse to compound, to treat with those willing to do so. The granting of commons played an important part in the settlement of tenure disputes, and at the same time proved profitable to the Crown, as will be seen later. The tenants of the King's manor of Whitleigh (Whitley, co. Northumberland) paid £80 for the privilege of enclosing 200 acres (S.P.D., CIV, 73). In July, 1615, a commission was issued for enfranchising or selling copyholds in the survey of the Exchequer with reservation of the ancient rents, and for compounding for commons and wastes (*Cal. S.P.D.*, 1611-18, p. 298).

It would be both valuable and interesting to know how far there was any readiness among private manorial lords to grant the enfranchisement of customary tenures. Probably there was little, as the general tendency was for landowners to tighten their hold over a form of property appreciating in value. Nevertheless, that some lords were prepared to enfranchise is apparent from the following items in the *Cal. S.P.D.*, 1611-18: "1615, 16 Mar., Grant to Earl of Dorset of licence to enfranchise the copy-

(iv) If there was any doubt among copyholders as to the wisdom of converting their holdings into free socage, there was none as to the advisability of securing the stability of their fines where these were uncertain. The payments which lords could exact on the descent or alienation of copyholds in many manors constituted from the tenants' point of view one of the most serious drawbacks to that form of tenure, for they not only enabled the lords to transfer to their own pockets part, if not the whole, of the improved value of their estates, but they also gave them the power of resuming any tenement they pleased on the death of its holder or when the term of the tenancy was completed. As Dr. Savine and Mr. Tawney [1] have clearly shown, the question of the security of the copyholder depended very largely on the fixity or variability of these payments. How far uncertain fines were the rule it is impossible for lack of evidence to say, but in all probability they obtained on a far greater number of manors than not,[2] and the literature of the time proves that the grievance was widely felt. It is, of course, quite likely that private lords were harsher in the exercise of their rights than the Crown, but that the tenants on the king's manors were alive to the advantage of converting their fines from uncertain to certain is evidenced by the number of cases in which they were prepared to compound for doing so. Negotiations for this object seem to have been active between 1608 and 1611. In 1608 and 1609 an investigation was conducted to ascertain in which of the royal manors the fines of copyholders of inheritance were variable and in which manors no records of fines had been kept.[3] Instructions were also issued setting forth the terms on which the compositions should be concluded. These directions incidentally lend some justification for supposing that the attitude of the Crown in the matter of fines had compared very favourably with that of private landlords. For it appears that the stewards of the king's manors had previously been instructed to observe uniform rates in the case of copyholds of inheritance. Where the estates were subject to heriots, one and a half year's rent at an improved value was to be taken for fine, and where they did not yield heriots, two years' rent. The new order offered a lower rate to tenants who were willing to compound. The fine was henceforth to be fixed at one year's rent, on condition of the payment of a composition of one year's rent in the case of heriotable lands, and a composition of two years' rent in the case of inheriotable lands.[4] The

holds of his manors" (p. 278); "15 July, Licence to Thomas Lord Wentworth to enfranchise his copyholds and grant wastes of his manors, reserving the ancient Crown rents" (p. 295).

[1] A. Savine, *Quarterly Journal of Economics*, Vol. XIX, 54-6; Tawney, *Agrarian Problem*, 295-301.

[2] See the figures given by Tawney, *Agrarian Problem*, p. 300, and by Savine, *Quarterly Journal of Economics*, Vol. XIX, p. 52.

[3] S.P.D., Jas. I, XXXVII, 105; XL, 34; XLV, 71. [4] *Ibid.*, XLIII, 113.

reasonableness of these terms would depend upon the degree to which the ancient rents had been approved, but, even if the rack-rent were ten, or as much as twenty times the copyhold rent, one or two years' value was not an exorbitant sum to pay for the advantage of a fixed fine. Hence there does not seem to have been much opposition to the king's efforts to raise money in this direction.[1] The only instance noted in which the tenants of a manor had been approached and had shown themselves indisposed to compound was at Pontefract, and there the disinclination of the inhabitants seems to have been due to their belief that their fines were certain.[2]

If we compare the readiness of James I to establish the certainty of fines on the Crown manors with what was going on on other manorial estates, we are forced to admit that the king was adopting the less harsh of two alternative courses. For we do not read that private lords were offering similar terms to their tenants. On the contrary, so far as we can judge, they regarded the continuance of uncertain fines as an effective means of taking from their tenants a part of the increment accruing to the value of their holdings through the general rise in prices. Indeed, they often took advantage of their power to vary fines so as to compel their inferiors to surrender their copies and change their copyholds into leases.[3] It is possible that there were not wanting advisers who would suggest a like procedure on the Crown lands. Certainly the gain to be derived from the conversion of customary tenures for lives or years into ordinary leases was pointed out to the king. Yearly rents, it was said, could be increased six or seven fold, and the income from these would be clear and certain, whereas part of the revenue from copyhold lands, in the shape of heriots, fines, etc., was irregular and diminished by the reimbursement of stewards' and bailiffs' fees.[4] Nevertheless, it does not appear that the advice was adopted.

[1] Such is the impression gained from a perusal of the State Papers relating to these negotiations; *e.g.*, (1) List of copyholders summoned to Court of Exchequer to compound for their fines between 26 Jan. and 2 Mar., 1609 (XLIV, 5); (2) compositions offered by tenants of a number of manors surveyed in Lancs. and Cheshire, 1609 (XLV, 71); (3) Petition of the Copyholders of Patrington, Yorks, to have fines declared certain and confirmed by decree (LVIII, 23, 43).

[2] *Ibid.*, LXV, 75. The tenants were ultimately persuaded to agree. The proceedings with regard to the fixing of fines on the Crown manors is interesting in connection with the question as to what was a reasonable fine. During Elizabeth's reign there were many applications by tenants to the Court of Chancery to have their fines declared excessive, and by 1600 the courts were evidently recognising some fines as unreasonable (see Tawney, p. 296, notes, and the authorities there cited). In 1630 it was held that a fine ought not to be more than one and a half year's rent. From these facts it would appear that the Crown was setting an example of moderation on its own estates. In spite of financial stress, James I was apparently not prepared to go to the lengths of private landlords.

[3] See Tawney's admirable discussion of this point in his *Agrarian Problem*, pp. 301-10.

[4] S.P.D., Jas. I, LXX, 44. "Propositions for raising money to pay the King's debts." 1612. *Cf. Cal. S.P.D.*, Addenda, 1580-1625, p. 481: 19 June, 1606. King to

(v) Simultaneously with the efforts which were being made to secure to the Crown some of the increased value of its estates by a modification of its dependent tenures, there was pursued an active campaign against those holders of royal lands whose titles were open to question. In this matter, as in the sale of Crown estates, the king's ministers were not inaugurating a new policy, but were speeding up the operation of established machinery and conducting a more rigorous and systematic inquisition into all the possible channels of revenue leakage. From the earliest times there must have been continuous and extensive appropriations of royal property by individuals who evaded the payment of rents and other charges with more or less success according as the king's officers were less or more diligent in the discharge of their duties of supervision. The growth of the population and the increasing efficiency of the central government would make such evasion more generally apparent, and already, in Elizabeth's time, the need of a thoroughgoing survey of the royal estates, and of the more careful keeping of the court rolls of the royal manors, had been emphasised in a communication to the Secretary of State.[1] Through lack of records, rents and heriots had lapsed, customs had been perverted, tenancies confounded, and demesnes and wastes converted to copyholds and customary tenures, to the great loss of the queen. It is not surprising, therefore, that when Sir Robert Cecil, who had been retained as Secretary by James I, succeeded the Earl of Dorset as Lord High Treasurer in April, 1608, he should, being faced with a royal debt of a million pounds and an annual deficit of £73,000,[2] turn his attention to this source of waste as one means of restoring the king's finances. The survey of the royal manors referred to in connection with the proceedings relating to uncertain fines belongs to this time. A note made in the same year shows that the whole question of the administration of the Crown estates was being examined. Amongst the advantages which it was considered would result from "a perfect survey of the king's lands" the following may be selected as indicating the lines on which reform was to be carried out. The investigation, it was pointed out, would furnish "a true report of all the rents at present received," and enable a general control to be exercised over the accounts of all collectors, bailiffs and other officers.

Lord Treasurer: "There are certain Crown lands, let by way of custody, not so beneficial to us as other lands demised by lease. You have signified that by demising thereof more benefit might accrue to us, either by improvements or by fines, and moved us for a commission to you and others of our Council for demising of them, which we are prepared to grant."

[1] Sir Robert Johnson to Secretary Cecil, 18 April, 1602. S.P.D., Eliz. CCLXXXIII, 80 (*Cal.*, 1601-3, pp. 176-8). In 1610 the same correspondent recommended to Salisbury the revival of the Swainmote Courts for the preservation of His Majesty's Forests (*ibid.*, 1603-10, p. 596).

[2] Gardiner, II, 11-12.

It would provide a "perpetual record to maintain His Majesty's inheritance, both as to boundaries and profits." It would facilitate the discovery of fines and rents retained, of concealments, of encroachments, and of "all manner of undue chopping and chaunging of landes which among ffreeholders and coppyeholders is most usual." It would be a means of questioning and controlling the decay of His Majesty's tenements and buildings, and at the same time a hindrance to the erection of cottages "which are knowen to be so burdenous to the common wealth and no proffitt to His Majestye." It would avoid the "confusion in customs of manors, which through neglect and ignorance do daylye varye . . . as by untruth and uncertainty thereof Infinitt Loss doth daylye growe unto His Majestye and as much disadvauntage to the tennauntes." Lastly, it would not only give the king a present increase in revenue, but by supplying "a True direction and meanes how to improve His Majestye's landes" it would ensure greater profit in the future.[1]

There can be no doubt as to the government's intention to prosecute a war on the illegal possession of the Crown property. As a matter of fact, it had already begun its attack upon certain forms of usurpation and illegality. One of these was the appropriation of the forest lands. Assarts, or the destruction of woods and coverts for the purpose of converting the soil to tillage, and purprestures, the enclosure of parts of the forest with hedges or ditches without licence, had been offences against the forest laws from Norman, if not from Anglo-Saxon times.[2] The presentation of offenders in this respect was one of the principal duties of the regarders of the forest, and the proceedings of the forest eyres show how extensive and continuous the practice of illicit enclosure within the forest bounds had been.[3] The prevalence of the custom is an indication that the forest laws were not so severe as is generally supposed. At any rate, assarted lands and purprestures, though seized into the king's hands on detection, could generally be redeemed on payment of a fine and an undertaking to render a yearly rent.[4] Enclosures in the forest had, however, even when made by the king's permission, to be surrounded with only a small ditch or a

[1] S.P.D., Jas. I, XXXVII, 102. The date assigned by the editor of the State Papers to this document is Nov. 1608, but already in May (?), 1608, John Hercey and other commissioners had reported to Salisbury details of their proceedings in surveying upwards of 300 manors of the Crown in twenty-five counties, and in explaining the value of their work had indicated many of the above-mentioned advantages (*ibid.*, XXXII, 85, and 85, I).

[2] Fisher, *Forest of Essex*, 313, 320-1.

[3] See Turner, *Select Pleas of the Forest*; Fisher, *op. cit.* The records of the forest eyres of the Forest of Lancashire are not very complete, and have not been published, but in the "Inquisitions and Presentments before the Justices Itinerant of the Duke of Lancaster," 23-4 Edw. III, several enclosures are reported, including one of 40 acres (Dy. Lanc. For. Procdgs., I, 20).

[4] Fisher, *op. cit.*, 322; Turner, *op. cit.*, lxxx.

low hedge to enable the deer to enter at will.[1] Yet this inconvenience to the tenants does not seem to have retarded the practice, and, especially after the death of Henry VIII, when the administration of the forest laws was relaxed, enclosures without licence appear " to have increased, and to have been allowed provided that a certain part of the land was sown with corn to which the deer could have access." [2] Probably some of these lands came to be held by the enclosers or others as tenancies at will, as were those that had been occupied by licence ; others, no doubt, were concealed so that the Crown secured no return from them. In addition to these irregular enclosures, there had been other parts of the royal forests granted by commissions issued in the time of Henry III and the first three Edwards. Most of these, it was ascertained by a survey in James I's reign, had been secured as tenancies at will at such small rents that, by negligence on the part of the Crown officers, or by frequent changes of occupiers, they had passed out of the cognisance of the Exchequer and the Duchy Chamber. Moreover, under cover of the original arrentations made by the commissions, many encroachments had been made for which no rent had ever been paid.[3]

The deprivation of so much profit could not be allowed to pass unchallenged. From the beginning of James I's reign possessors of " assarts, wastes and purprestures " were called upon to compound for them.[4] As at first they did not seem to be willing to purchase their holdings, a proclamation was issued on 12 May, 1605, to the effect that all assart lands uncompounded for before 1 October should be confiscated and let to other applicants.[5] Within little more than five years after his accession, the king issued no fewer than six commissions to deal with these appropriated forest lands ; [6] and the business of compounding, selling and leasing them apparently went on all through the reign. For example, in 1619, Sir Henry Savile and five

[1] Fisher, *op. cit.*, 313-4.

[2] *Ibid.*, 323. On the next page, however, Mr. Fisher quotes a proclamation of Edward VI (1548), which forbade enclosing with unreasonable hedges and ditches to keep out the deer, " unless the more parts thereof were sown with corn " (*ibid.*, 324).

[3] S.P.D., Jas. I, XXXII, 8. Note of the state of the proceedings in the matter of assart lands, etc.

[4] Composition for illegality or alleged illegality was a favourite method of raising money at this time. Individuals were permitted to enjoy the fruits of their unlawful or questionable action on payment of a lump sum, especially when the enforcement of the law would be inadvisable. Thus in Elizabeth's reign it was proposed to allow compositions for the violation of the Statute of Apprentices (see Unwin, *Industrial Organisation in the 16th and 17th Centuries*, pp. 140-1 and note), and a commission for this object was granted in 1619 (*Cal. S.P.D.*, 1619-23, p. 10). Similar commissions were issued by Jas. I for compounding with persons for the undervaluation of lands (*ibid.*, 1603-10, p. 331); with offenders for erecting new buildings not of brick or stone and harbouring inmates (*ibid.*, 1611-18, p. 286 ; 1619-23, p. 18) ; and with cities and towns for usurping tolls and customs (*ibid.*, 1611-18, p. 550 ; 1619-23, p. 185).

[5] *Cal. S.P.D.*, 1603-10, p. 216. [6] *Ibid.*, pp. 163, 196, 331, 335, 379, 432.

other gentlemen of Ashridge indemnified the king for their assarts and purprestures in Windsor Forest,[1] while a year or two later five other landowners, on behalf of the tenants in the Forest of Essex, paid the sum of £349 for the right to retain their enclosures.[2] How much, in all, the Crown received from this source is not known, but so early as the end of 1609 the Receiver of the Moneys arising from the proceeds of these transactions reported that the compositions made up to that time amounted to £26,013 4s. 4d.[3]

In compelling the holders of assarts and purprestures to purchase their tenements, the Crown was acting within its legal rights. So much cannot always be said of its action in connection with other properties to which it disputed the holders' titles. As already indicated, the attack on the forest encroachments was only a subsidiary campaign in a larger war. It was only one indication that it now, perhaps more than ever before, behoved men who held estates that had once belonged to the Crown to look to the titles upon which their status as landowners or occupiers rested. Commissions to deal with defective titles had been granted in the latter half of Elizabeth's reign, but they had been merely premonitory symptoms of the intenser struggle which was to follow. The Government was now conducting a kind of *quo warranto* inquiry which had wide ramifications. The surveys of the early part of James's reign would doubtless reveal many cases of ownership of lands to which no previous royal grant could be evidenced, or to which the original grants were legally imperfect. For the benefit of the Exchequer the Crown lawyers were exercising their ingenuity to discover technical flaws in the titles of the king's tenants, and the suspicion is scarcely to be avoided that many a poor peasant, through poverty and

[1] *Cal. S.P.D.*, 1619-23, p. 99.

[2] For an account of the proceedings in the Forest of Essex, see Fisher, *op. cit.*, 325-6.

[3] S.P.D., Jas. I, L, 30. " Brief of the service done by Otho Nicholson for Assart Lands." The policy of reclaiming land supposed to be part of the royal forests underwent in the succeeding reign a development characteristic of its promoter, the Attorney-General Noy. In order to secure heavy fines for the Crown the boundaries of the forests fixed by the perambulations made after the Confirmation of the Charters in 1297 were disputed, on the ground that these perambulations had disafforested lands which, having been attached to the forests by Henry II and confirmed by the charter of 1217, could not be so affected. Thus large tracts were claimed in the neighbourhood of the New Forest and the Forests of Dean, Waltham and Rockingham, and heavy penalties imposed. The payment of these, however, proved difficult to enforce, and commissioners had to be appointed to compound with the alleged offenders (Scrutton, *Commons and Common Fields*, pp. 111-2, and the references there cited). The unhappy history of Ireland furnishes another attempt in this reign to secure land by contesting title. Though the landowners in Connaught had been guaranteed the possession of their estates by Elizabeth, James I and Charles I, in spite of a technical flaw in their patents granted by the Plantagenet kings, Wentworth in 1635 bullied and cajoled most of them into acknowledging that the soil of the province belonged to the Crown. Fortunately for them, other anxieties prevented the Lord Deputy from carrying out the plantations in Connaught which he intended (Gardiner, *History*, VIII, 13-14, 55-65; X, 43).

ignorance of the law, was made the victim of legal cunning. Justly or unjustly, hundreds of landholders, both great and small, found their position insecure. Faced with the risk of expensive lawsuits in defence of their rights, and even with the danger of eviction, they were compelled to purchase new grants or leases of their tenements. The work of confirming titles went on almost to the eve of the Civil War,[1] and litigation in some cases dragged on for many years. Before we pass on to the copyhold settlement of our own district it will be instructive to trace briefly a couple of these protracted disputes.

The first example was practically conterminous with the reigns of Elizabeth and James. The former sovereign in 1562 had challenged the right of the copyholders and customary tenants of her lordship in Bromfield and Yale [2] on the ground of a decay of rent since the time of Richard II, and had compelled them to surrender their copies and accept leases for forty or fifty years at increased rents, with a two years' fine on issue and renewal. Soon after the accession of James those tenants whose leases had expired or were about to expire sued for renewal, but a general restraint was ordered forbidding the granting of further leases, presumably until the question of the validity of the tenures had been examined. It was not until after repeated suits that the inhabitants were able to state their case, and, though the restraint was then removed, a further prohibition was ordered when the lordship was conferred upon the king's son, Henry. The second restraint continued till January, 1625. The question was then settled by the grant of the lordship in free socage to commissioners with power to make estates to any of the inhabitants, reserving what rents they pleased. In this way the ancient copyholds, along with escheat and demesne lands, were regranted at twenty-five years' purchase of the ancient rents, subject to the old customary rent and incidents. On these terms those who could afford to pay the composition secured

[1] During the critical years 1608-10 the government were taking up the matter energetically. See *Cal. S.P.D.*, 1603-10, pp. 438, 505, 565, 589, 640, 650. After a commission had been appointed in 1608 to compound for defective titles, the king issued a proclamation on 22 April, 1609, declaring his pleasure to confirm the estates of his subjects against all defects in their assurances, and within a year it was certified that the moneys due for confirmations amounted to nearly £9000 (S.P.D., Jas. I, L 42, 82). Some idea of the magnitude of the whole business may be gathered from the fact that there are preserved among the records of the Exchequer no fewer than seven volumes of "Particulars for the Amendment of Defective Titles," covering the period from 1581-1638 (Augmentation Office, Miscellaneous Books, Vols. 87*a*-90, 159). The notorious plantations of Wexford and Longford (1610-20) were connected with a claim of the Crown that large areas occupied by the natives of those counties were held by defective titles. The story of these iniquitous dispossessions has been told by Gardiner (*History*, VIII, 1-5), and in greater detail by Miss Hickson (*Ireland in the Seventeenth Century*, I, 24 *et seq.*).

[2] In Denbighshire.

their former tenements " to them and their heirs for ever," but the poorer tenants had their holdings bought over their heads.[1]

The second instance is the better known dispute concerning the northern tenant-right. The special feature of this tenure arose out of the peculiar situation of the lands on which it prevailed. Both the State and the great territorial lords on the borders of Scotland had been interested in the maintenance of a sturdy peasantry to defend their estates. Hence in Northumberland, south-west Durham, north Yorkshire, Cumberland, Westmorland and north-west Lancashire, occupiers of land, whether as tenants of the Crown or as tenants of private manors, had been required to equip themselves with horse and armour and to be available for border service. But obviously such a requirement could be exacted only if a corresponding security were guaranteed to the tenants. Accordingly, though no condition of military service seems to have been stipulated in their grants or leases, and though they were said to hold their tenements " at the will of the lord," [2] yet by custom the tenantry had come to enjoy a permanence which persisted when in other parts of the country manorial relationships were breaking up under the influence of commercial ideas ; and, when individual lords, too regardless of the national safety, sought to follow the example of their southern contemporaries in exacting heavy fines on the descent of inheritances or the renewal of leases, the Crown desired to intervene in order to give statutory confirmation of the custom of tenant-right.[3] The union of the two Crowns, however, in 1603 removed the necessity for border service, and this was made a pretext on the part of the new king to revoke the copyholds on his manors in Cumberland and Westmorland. The financial object of this step is avowed in a note to be found among a batch of papers relating to Salisbury's efforts at this time to increase the king's revenues. The intention was to abolish knight service and to regrant

[1] A. N. Palmer and E. Owen: *A History of Ancient Tenures of Land in North Wales and the Marches*, 211-4.

[2] Coke, *Complete Copyholder* (1630) held that " the customary tenants on the borders of Scotland . . . were meer tenants at will; and though they keep the customs inviolate, yet the lord might, *sans controll*, eject them."

[3] In 1571 an Act was proposed for confirming the tenant-right of the tenants in Cumberland. It was stated in the preamble that purchasers of manors and other lords had expelled so many of their tenants or exacted such excessive fines that " there are not within the said countie the fourthe parte of such nombre of horses " for border service " as heretofore hathe bene." The tenants, it was proposed, were to have their tenant-rights according to the custom, paying at entry six years' rent fine or under, and rendering no other rents or services than the ancient ones (S.P.D., Eliz., Addenda, XX, 28). Among the benefits claimed for the Bill was the greater loyalty of the inhabitants to the Crown, as they would be less likely to be induced to join in rebellion if their customs were assured. Arbitrary fines were said to be detrimental to the interests of the State in two ways : the lords in consideration of the heavy sums exacted sometimes excused their tenants from the provision of horse and armour ; and the tenants were so impoverished that they were not properly nourished to render service (*ibid.*, 29).

the lands at double the customary rent with a statutory confirmation of the ancient customs, the fines being made certain at the rate of two years' improved rent.[1] The resistance aroused by the proposal, however, was so determined that the Crown found it expedient to modify its attitude, and ultimately, in consideration of a composition of £2700, agreed to confirm to its tenants the possession of their inheritances according to the ancient customs.[2]

Meanwhile, the lords of the private manors, who had been invited to follow the royal example, proceeded to eject their tenants, and, though they secured several decrees in the Courts of Chancery and Exchequer in support of their action, the opposition was intensified rather than allayed. A great meeting of the tenants was held at Staveley in January, 1620, when resolutions were passed binding them to a mutual defence of their estates, if necessary by force of arms. A petition was presented to the king praying that their tenant-right might be assured to them, and a Bill was introduced into the Commons for the same purpose. Neither James nor Parliament proved sympathetic. Indeed, in July a royal proclamation was issued asserting that tenant-right had been declared extinguished and abolished by sundry decrees and judgments, and that it " ought to be damned to a perpetual oblivion." Judges were recommended to suppress all suits in which such tenure was claimed, and no entry in any court roll of royal or other manors was to " mention any estate termed of tenant-right or customary estate pretended for border service." A new remonstrance from the tenants led to their prosecution for libel in the Star Chamber, which referred the matter to four judges. These finally decided the case in the defendants' favour. They found that the estates in dispute were estates of inheritance at the will of the lord according to the several customs of their respective manors, and that border service was no special part of the services reserved in respect of the tenements, but a duty incumbent on the holders, as well as on their lords and all other freeholders, by virtue of their allegiance and subjection to the Crown. It followed, therefore, that the lapse of the obligation to render border service could make no difference to the title of the northern tenantry, a decision which was ratified by the Court of Star Chamber in 1626.[3]

Though the holders of customary land in Westmorland and

[1] S.P.D., Jas. I, XL, 38. " Project for raising the King's revenue by compounding with the tenants in the Northern parts for customary knights' service, etc."

[2] Nicholson and Burn, *History and Antiquities of Westmorland and Cumberland* (1771), Vol. I, 51. The Decree of Confirmation was granted on 14 Nov., 1619.

[3] *Ibid.*, 52-9. The referees also recommended the fixing of the fines at some certain rate, and the Star Chamber made arrangements for this to be done. Accordingly in some manors compositions for the purpose were subsequently agreed upon between the lords and their tenants, while in others the tenants purchased their estates to freehold.

Cumberland were thus vindicated in their claim of a valid title to their estates, the difficulty they had experienced shows the danger which beset those to whose titles there attached the slightest suspicion of weakness. A conflict proceeding simultaneously on the other side of the Pennines with regard to a similar form of tenure ended less satisfactorily to the tenants, because of certain elements of doubt as to the heritability of their estates. The officers of the Earl of Northumberland, by citing a previous decision in Chancery that copyholders liable to a fine at the death of the lord or tenant could not have an estate of inheritance, succeeded in inducing many copyholders to exchange their copies for twenty-one year leases at double the former rents. The king's tenants in the manor of Tynemouth asserted that their estates were heritable and their fines certain. When summoned before the Court of Exchequer, however, they had to admit that there had been variations, both in their fines and in their surrenders. Moreover, their position was weakened when it appeared that the ancient court rolls had been lost. They therefore petitioned the king for a confirmation of their copyholds. Their language is expressive of the uncertainty in which they found themselves. They had seen many copyhold estates drawn in question, and they lived such a long way from London that they could not bear the expense of defending their titles if disputed. Accordingly they were willing to give such composition for the ratification of their tenures as should be thought fit. In the end a settlement was agreed upon for £789 13s. 4d., the decree of confirmation being granted in April, 1610.[1]

These cases serve to illustrate the disadvantage at which tenants were placed in contesting with the Crown, and even with private lords. The question of the security of the copyholders in the sixteenth and early seventeenth centuries has been the subject of much controversy, both with contemporary writers and with those of our own day; and it is a question difficult to settle, not only because of the inadequacy of available data, but also because of the different kinds of customary tenures that existed. Some copyholds succumbed in the struggle with commercialism more easily than others because of the inherent weakness of the custom on which they rested. Where, for example, the tenures were for life or lives, it was an easy matter for the lord to absorb them into his demesne at the end of their terms if he wished, or to refuse to regrant them except at greatly increased rents; and even copyholds of inheritance, as we have seen, were not secure where fines were arbitrary. It is true that by this time the courts of law were affording some protection to the tenants, but they were invariably guided in their decisions by the special customs of the manors,

[1] H. H. E. Craster in *History of Northumberland*, VIII, 236-9. S.P.D., Jas. I, XLIX, 14.

with the result that the only type of copyholder that was really safe was he who enjoyed an estate of inheritance subject to a fixed fine. But even here—and the case of the other kinds of customary tenants must have been much worse—there must have been many instances in which the peasants through ignorance or poverty were unable to dispute the action of their lords in the courts. And the handicap was increased where there existed some peculiarity which distinguished local tenures from copyholds in other parts. The cases above examined seem to indicate that, whether their copyholds were valid or invalid, whether their estates were heritable or not heritable, the tenants were liable to lose. It may be granted that in North Wales the lawyer could argue that the occupiers through default of rent had forfeited their holdings, but in the case of the northern tenures of England the plea of the Crown and the other landlords failed ultimately to receive the countenance of the courts. Indeed, in view of the decision of 1625, it would appear that the king's tenants in Cumberland and Westmorland had been compelled to pay for the establishment of titles already in the eye of the law secure, and even in the Northumbrian dispute, where the legal position of the husbandmen was less strong, the judges, after examining the copies of the court rolls and other evidence produced, were of opinion that the defendants were in possession of estates of inheritance. And, whatever might be said of the Denbigh estates, it is to be noted that in these latter cases the tenures disputed were of great antiquity. They were customary holdings—held according to the custom of the manor—and custom, it was said, ran back beyond the memory of man. If, then, ancient copyholds were thus at the mercy of the skill of the royal lawyers, what was to be the fate of newer copyholds which could not trace their pedigree back to time immemorial?

II.

To this question the history of the tenure settlement in Rossendale supplies an instructive answer. The reader will remember that in 1507 the old vaccaries and other forest lands, which before that time had been leased for various terms, were granted by copy of court roll at improved rents. Unfortunately, however, in estimating the precise effect of the commission by which this change was brought about, we are faced with the double difficulty of inadequate documentary evidence and vagueness of language in the records which have survived. As a consequence, it is not easy to determine the exact terms on which the forest tenements were let.

In the decree authorising the steward to admit the grantees as copyholders, we are informed that the commissioners appointed to survey and improve the forest lands had " made grauntes and promises

of leases . . . to certayne persones, to have and holde to theym and to their heires for terme of lyue or lyues, or for terme of yeres, after the custom of the Manor, by cope of Court Rolle ; " while the steward himself was instructed to let the lands to those willing to take them, " to have and to holde to them and to their heires or otherwise, for terme of lyue or yeres, at the libertie and choyse of our said tenantes." At the death or change of every tenant, new " leases " were to be made upon payment of a fine of one year's rent, " according as other our tenantes there, being copyholders tyme out of mynde, have usyd to pay in such cases." [1] The difficulty in interpreting this document turns upon the use of the word " lease ; " but the general tenor of both the commission and the decree seems to indicate that it was the intention of the Crown to grant the lands as copyholds on the terms usual in the several manors of the Honor, the customs of which would not necessarily be familiar to the royal officers in London who prepared those instruments. In the case of Accrington, at least, where it had not been the practice of the manorial authorities to grant leases in the modern sense of the term by copy of court roll, the effect would be to create copyholds of inheritance. Such an interpretation may, perhaps, be supported by the fact that the surveyors of 1507 themselves reported that, having parcelled out the several holdings, they had granted them to the holders " and their heires after the custome of the manor by copie of corte Rolle." [2]

Unfortunately, the extant rolls do not contain any record of admittances to these holdings,[3] which would put the question whether they were granted as estates in fee or as leases beyond doubt. But in all the subsequent transactions recorded of them, it is clear that these new estates were treated as copyholds of inheritance in exactly the same way as the older customary tenures. When, for example, six years after the granting of the forests, the vaccary of Hoddlesden reverts into the king's hands on the death of the grantee John Ratcliff of Ratcliff, we are informed by the rolls that John Ratcliff, son of Roger, brother of the said John, is his kinsman and next heir and as such is admitted to the estate by the steward on payment of the customary fine.[4] It is possible, of course, that the first John Ratcliff had taken a lease for a period of years which had not expired when he died in 1513, and that his next of kin was admitted for the completion of the term. The court roll, however, gives no evidence of this. Nor is

[1] Decree of the Duchy Court directed to the Steward of Blackburnshire, 12 March, 22 Hen. VII ; *Clith. Ct. R.*, I. 235-6.

[2] Survey of the Forests or Chases of Blackburnshire, 1507 ; *Clith. Ct. R.*, II, 373-4.

[3] At least they are not recorded in the rolls of the years immediately succeeding the grants, *i.e.* for 1507 to March, 1511. The records of the Hamotes of Michaelmas, 1511, and the two Halmotes of 1512 are missing, as also are those of three or four of the subsequent Halmotes.

[4] *Ibid.*, III, 21.

there anything in the record to indicate that, the original lease being for life and therefore expired, a new lease was now granted to the deceased holder's nephew. And when we turn to other examples, we find always the same procedure. On the death of a tenant, unless his estate has been previously surrendered to be disposed of in some other way, the next heir is admitted to the copyhold of the new hold tenure precisely as in the case of the old holds. A similar practice applied to all other copyholds created since the approvements of the twenty-second year of Henry VII. Parcels of the waste granted to individuals with the consent of the jurors of the Halmote Court, portions of common pasture divided among the tenants, quillets and houses and barns encroached on the lord's soil, all these were granted as customary holdings by copy, and they were regarded and treated as heritable estates subject to the same incidents and enjoying the same rights as the ancient copyholds.

For a hundred years the new holders continued in peaceful possession of their estates, with never a suspicion that their titles were less valid than those of the tenants of the older copyholds. Indeed, their position would appear to be further safeguarded by what was apparently a custom of the manor for the lord with the consent of the homage to grant out the wastes and the forest lands to be held by copy. Though no statement of such a custom as presented by the homagers has been preserved, it can scarcely be doubted that many of the early improvements ultimately found their place among the customary tenures which subsequently came to be distinguished as the old holds. In the Ministers' Accounts of the fifteenth century these enclosures are frequently stated to be held "according to the custom of the manor."[1] Thus the grants of 1507, and the enclosures to which admittances were granted and for which fines were paid subsequent to that year, would seem to be made in conformity with custom, and the grantees might well feel their position unassailable. But they were unversed in the niceties of the law, and unaware of the new rules which the courts had been framing as guides in the adjustment of the conflicting rights of landlord and tenant.

During the long struggle of the fifteenth and sixteenth centuries between the copyholders and their lords two rough working principles had been evolved. While, on the one hand, the courts adopted the general formula that on lands which were anciently copyhold the

[1] Typical entries are :—

1439-40. "Et de ijd de redditu dimidiae acrae terre dimissae Ricardo Wolfanden tenendae secundum consuetudinem manerii eodem tempore" (Dy. Lanc. Mins. Accts., 89/1634).

1450-51. "Et de ijd de novo redditu Georgii Wadyngton pro ij rodis terre de vasto domini Regis in Hasellyngden . . . Tenendis secundum consuetudinem manerii pro redditu predicto" (*ibid.*, 77/1509).

customs, as evidenced by the manorial rolls, should be upheld, on the other they ruled that custom could apply only to tenures dating from time immemorial. "Custom never extendeth to a thing newly created," said Coke. "What things soever have their beginning since the memory of man Custome maintains not."[1] Hence no land could be copyhold except by prescription. The creation of copyhold on land which had not been subject to custom, for example, on the lord's waste or demesne, was a legal impossibility. Though the lord might grant these lands by copy "according to the custom of the manor," yet, inasmuch as they rested not on immemorial antiquity, they were mere tenures at will and the lord was at liberty to resume them if he pleased.[2] Neither this rule nor the former, perhaps, was universally applied. Even Littleton, who had emphasised the necessity of prescription for the validity of copyholds, had also spoken of freeholds which could turn into customary lands.[3] Yet both decisions were part of a general principle of law which seems to have been emerging at this time out of the clash of opposing interests, the principle that lords were not at liberty to change at will either the character of the tenures on their lands or the customs ruling them; and both had been shown by experience to be necessary in the interests of national peace and contentment.[4]

While the one rule was frequently applied in favour of the copyholders, the other told decisively against them; and if there was any class of customary tenant about whose insecurity the legal writers of that time agree, it was the copyholder of recent origin. So weak was the position of the newholder felt to be that the Duke of Somerset, who had granted certain demesne lands on his own estates by copy to his tenants, found it necessary to secure the passing of an Act to validate these demises as customary lands.[5] When, therefore, the Duchy Court of Lancaster determined to proceed against those who occupied the improved forest lands of the Honor of Clitheroe, it began its attack from a vantage point of great technical strength.

The proceedings commenced in 1607 by an information lodged in the Duchy Chamber against Richard Towneley of Towneley, Richard Shuttleworth of Gawthorpe, and other tenants, for unlawful entry and intrusion into certain lands in the Forests of Blackburnshire, parcels of the Honor of Clitheroe, "according to their pretended titles, without any title, right, custom, warrant or authority." The Court issued a

[1] *Complete Copyholder*, Sect. XXXIII.

[2] *English Historical Review*, VIII, 688-9; *Select Cases in the Court of Requests*, 64, 101. See also the preamble to Somerset's Act 1548 (2-3 Edw. VI, c. 12).

[3] *Tenures*, Sects. 73, 172.

[4] Holdsworth, *History of English Law*, III, 211-2.

[5] 2-3 Edw. VI, c. 12 (1548). *H.L. Journal*, 1586 (15 July), has mention of a similar bill (Holdsworth, *op. cit.*, III, 212).

decree of restraint, prohibiting the grant of any further lands in the forests and the enrolment of any transfers in respect of grants already made. At the same time letters were addressed to the stewards pointing out that the lands in question, having been improved out of His Majesty's forests and chases, were in reality assart lands, which could not be claimed by custom or prescription to be copyholds ; yet instructing them to call a meeting of the tenants in order to acquaint them of the king's willingness to perfect their titles and to receive their proposals for that object. How the unfortunate tenants regarded the action of the Duchy Court we are left to imagine, but, a special commission for the survey of the forests being issued, they could be in no doubt as to the determination which had prompted it. The various booths of Rossendale and Accrington, with the rents paid by the several occupiers, were " presented " before the commissioners by sixteen jurors on the 7th of January, 1608,[1] and presumably the inquiry into the tenements of the other chases was held at about the same time. The newholders must have realised their impotence for resistance, for a great number of them in the three manors of Accrington, Colne and Ightenhill soon presented a petition praying for a decree confirming their titles. Their estates had been granted, they said, out of " sundrie great and mountainous Commons and groundes, extreamlie barren and unprofitable . . . all the chardges of the inclosinge, fencinge, manuringe and tyllinge and the continewall renewinge thereof in respect of the extreame barrennes of that soyle and coldnes of that Countrie together with the . . . yearlie Rentes and ffynes hath and doth soe nearlie equal the whole valewe and revenewe thereof As that their ancestors heretofore and they themselves as yet hardly can mayntayne with greate toyle their poore estates therewith." Though they had expended great sums in building houses and mills and in improving their tenements, " yett for defecte of such Continewance thereof tyme out of mynde extendinge ytself unto the Raigne of the late Kinge of England, King Richard the ffirst, as maie make a perfecte Custome and prescription in the stricte course of the Common Lawe," they now found their estates to be in great jeopardy, and, in consideration of a decree of confirmation and the royal consent to a Bill in Parliament ratifying their titles, they did " humblie tender and present unto his Majestie the somme of Three thousand seaven hundred three score and three pounds or thereaboutes amounting to twelve yeares Rent to be paid at three equall payments within a yeare after the tyme of such said decree." [2]

The king's reply to this petition was a counter offer to validate the

[1] Dy. Lanc. Spec. Comm., No. 722.

[2] Dy. Lanc. D. & O., No. 19, fol. 395. Petition of " tenantes and Copieholders of Certaine estates nowe and longe since commonly called the Newehold " in the manors of Accrington, Colne and Ightenhill.

copyholds for a composition of twenty years' rent. Meanwhile the tenants do not seem to have been unanimous in their readiness to compound. The poorer copyholders apparently regarded the whole proceeding with suspicion, for their richer neighbours were unable to persuade them to give their signatures to a general agreement.[1] Difficulties also arose with regard to the proportion of the composition to be paid by the occupiers of "meane" estates, that is, by those who enjoyed subordinate interests in lands either as tenants of sub-leases or as recipients of annuities or dower and free-bench.[2] Possibly these obstacles in the way of a speedy settlement induced the Crown to abate its demand for the payment of twenty years' purchase. At all events, before the end of the year the commissioners were authorised to assess the contributions of the tenants on the basis of their original offer.[3] Eventually, in the following January, the commissioners were able to report that complete agreement had been reached, with which the copyholders "were generallye well pleased, except some two or three, which beinge once agreed seemed afterwards to be discontented, whome we have refferred to this honorable Court yff they shall thincke good their to make complainte."[4]

After this the business was speedily concluded. The king, in giving authority to the Chancellor and Council of the Duchy to issue the necessary decrees of confirmation, reiterated his resolve to grant his assent to a Parliamentary enactment which alone could validate the copyholders' titles.[5] The decree for the manors of Accrington, Colne and Ightenhill was issued on the 10th of February, 1609,[6] and the Act of Confirmation was passed in the same year.[7] The composition money was paid into the Exchequer in three instalments, the first in February, the second in May, and the last in November.[8]

Thus the question of the legality of the tenures in the forest booths was determined, doubtless with complete satisfaction to the Crown, if not to the owners. The ease with which the settlement had been accomplished must have given encouragement for further action on the same lines. If the copyholds created out of the Forest in the time

[1] Dy. Lanc. D. & O., No. 19, fol. 395, *dorso*.
[2] *Ibid.*, fol. 396. [3] Dy. Lanc. Spec. Comm., No. 777.
[4] *Ibid.* The contribution of the lessees was fixed as follows: For three lives, 6 years' rent; for two lives, 5 years' rent; for one life, if between 20 and 40 years of age, 4 years' rent; if between 40 and 60 years of age, 3 years' rent; if between 60 and 80 years of age, 2 years' rent; if over 80 years of age, one year's rent. Tenants for 21 years, 4 years' rent; for 14 years, 3 years' rent; for 7 years, 2 years' rent.
[5] Dy. Lanc. D. & O., No. 19, fol. 400.
[6] *Ibid.* A copy of the decree was printed *in extenso* in the *Preston Guardian*, 6, 13, 20 April, 25 May, 1 June, 1878.
[7] *Statutes of the Realm*, 7 Jas. I (Private Acts, No. 3).
[8] S.P.D., Jas. I, XLIV, 8; LXI, 67. The total amount of the composition, including £192 paid by Sir Richard Molyneux of Sefton, against whom a separate information had been lodged, was £3953 18s. 2½d.

of Henry VII had no legal stability, the same must be equally true of all other tenements carved out of the manorial demesnes and wastes since that time. A previous chapter has explained how many new holdings had been taken up by squatters and the inhabitants of the two vills of Haslingden and Accrington, and the process of appropriation had been accelerated rather than retarded at the end of the sixteenth and the beginning of the seventeenth centuries. It was inevitable that sooner or later the occupiers of these newer settlements should be proceeded against in the same way as the inhabitants of the booths. The Act of 7 James I, c. 21, already referred[1] to, for the confirmation of decrees to be made in the Exchequer Chamber and the Court of the Duchy of Lancaster, had special reference to those tenants of the Crown whose holdings " were subject to much question and exception ; " and a commission appointed early in 1611 to deal with the copyholders of the Duchy makes manifest the determination of the authorities to continue their profitable campaign against this type among others of defective titles.[2]

The memoranda drawn up in connection with the commission demonstrate clearly what was in the minds of the king's ministers. An analytical digest of the tenures comprehended in the Act of 1610 was prepared. Amongst these were copyhold lands of inheritance whose fines were either uncertain or " certain by reputation only or so declared by former decrees," in both of which cases it was anticipated that " good composition " could be secured for new decrees establishing the certainty of the fines. Another class of holdings to be attacked included parcels of wastes and commons which had been enclosed and granted by stewards as copyhold lands, the titles to which were described as being " nothing worth in law without strengthening by decree and Act " of Parliament. Directions were given that such persons as had " enjoyed as copyhold lands either any of the Demesnes of any manor by the space of sixty years, or any parcel of any waste or commons of any manor " were to be permitted to compound for decrees to establish their estates as good copyholds of inheritance.[3] Detailed instructions were drawn up as to the method of assessing the composition fine according to the value of the land. Where, for example, an acre of land let at a customary rent of fourpence was worth five shillings per annum, the clear and true yearly value was 4s. 8d. This doubled, 9s. 4d., was to be the fine ; that is to say, such land should contribute as payment for validation of title twenty-eight

[1] Above, p. 134.

[2] S.P.D., James I, LXI, 64, 65, 66, 67. The Commissioners for the Duchy lands in Lancashire were Sir Richard Molyneux, Sir Richard Haughton and Sir John Savage, Baronets, and Ralph Ashton and James Anderton, Esquires. Some particulars of this commission are given on p. 134, n. 7.

[3] *Ibid.*, 65.

years' purchase of its copyhold rent. Pasture land was expected to yield a higher composition than arable, and meadow land a higher fine than pasture. But these rules were not to be rigidly applied. Offers from the tenants themselves were to be received and considered.[1]

A further charge was laid upon the commissioners, and one of very great importance in connection with the proceedings in our district. "Where," so ran the "Particulars" of the commission, "the tenants challenge right in His Majesty's wastes and commons, either by grant of the same in their copies, or otherwise by usage only, if it shall appear that any such tenants are desirous to make any improvement of the said commons, they (the commissioners) may treat with the tenants touching such improvement and the granting of the same so improved to them."[2] This injunction is especially important in our case, as the improvement and enclosure of common lands formed a material part of the settlement of the disputed tenures outstanding. The bait of the commons was being offered for the double purpose of inducing the tenants to assent more readily to the policy of the Crown[3] and of increasing the royal income. The obvious advantage of partition and enclosure from the latter point of view had never been lost sight of by the king's advisers,[4] but their previous arguments were now reinforced when it was pointed out that those who were holding portions of the wastes and demesnes by an insecure tenure might be permitted to appropriate still more of those lands while confirming their titles. The arrentations of Henry VII and the subsequent compositions in Blackburnshire were actually cited as "a good instance" to show how "some present money and a yearly increase of revenue hereafter" might be derived in this way.[5] The widespread practice of encroachment and the petitions that were presented by speculators and others from time to time for permission to enclose and lease waste grounds in various parts of the country[6] testified to

[1] S.P.D., James I, LXI, 66. [2] *Ibid.*, 65. [3] See above, p. 134.

[4] S.P.D., Jas. I, XXIV, 78. "Advice on the Inclosing of the Waste grounds of the King's manors and dividing them amongst his tenants." Of the "four ways of profit from land, corn, hay, pasture and wood," corn and hay, it was argued, were the most profitable. "Though some benefit, by pasture and wood, comes from wastes, yet they yield not generally one-third of the value that might be got by enclosing, which redounds not only to those who have the immediate interests in the soil and common, but to the whole kingdom."

[5] *Ibid.*, LXI, 67.

[6] See, for example, *Cal. S.P.D.*, 1603-10, p. 619: "Petition for reviving the old decayed forest of Knaresborough and for lease of the same and of waste lands thereof to Captain Thomas and Edward Hayes." This petition was apparently not granted, for five years later a commission was issued "to Sir Thos. Lassells and others to compound with the freeholders and copyholders of Knaresborough Forest for inclosing wastes there" (*ibid.*, 1611-18, p. 300), a fact which supports the contention of the king's advisers as to the expediency of treating with the commoners themselves. Some-

an eagerness for land which might be exploited, and gave good ground for believing that the tenants would be willing to give substantial consideration for the privilege of enclosing their commons. In fact, it was declared that "many tenants have already made known their desire to have their commons improved in this manner." [1]

Further proceedings with copyholders of the Honor of Clitheroe were not long delayed. On 14 June, 1611, two of the commissioners for Lancashire reported that they had called the tenants together, but they had "found a great showe of unwillingness to deale with us at this time." The reason for the tenants' intractability is made apparent by the language of the decrees which subsequently terminated the negotiations. For it seems that the royal officers not only disputed the legality of the customary tenures of the enclosures made since 1507, and denied to the occupiers any further title to pasture rights or other profits in the rest of the commons and wastes, but also questioned the certainty of the fines on all the copyholds of the Honor.[2] Thus the security, even of the holders of the ancient customary lands, was threatened; and in face of this bolt out of the blue the residents desired leave to consult their counsel, "affirming that, as they thought, they were allready in better case bothe for coppihold estates and customes as also for their commons then they could be made to be by any purchase or composition from his Majestie." And surely, in denying the certainty of the fines, the Crown was making a surprising claim, in view of its own admission in the decree of 1507 that ancient customary tenants had "been usyd to pay" one year's rent. Moreover, there had been no suggestion, when the validity of the vaccarial copyholds was disputed, that the fines were not fixed. Nevertheless, the commissioners replied that the tenants had "no need to delay on pretence of any such goodness of their estates and customs, especially as they themselves had been long since petitioners to be received to composition, and petitions had been presented for leave to improve some of their commons;" and in their report to the Duchy Court the officers stated that they had "prepared a very stricte (?) course to survey

times, however, the latter preferred to retain their commons. When, in 1611, a proposal was made for enclosing part of Enfield Chase, a rumour got abroad that the area to be taken was 300 or 400 acres, and the king's officers had to satisfy the occupiers that not more than 120 or 140 acres at the most would be enclosed (S.P.D., Jas. I, LXVI, 77. "Particulars of Agreement between the King's Commoners and Tenants in Enfield Chace for inclosure of 120 acres thereof").

[1] S.P.D., Jas. I, LXI, 67.

[2] The decree for Haslingden, Accrington and Oswaldtwistle states that the tenants had claimed that their fines "were not uncertain or variable nor at the will and pleasure of the Lord," as supposed in the information lodged against them; while that for Huncoat affirms that the tenants there had refused to pay the fines demanded "under colour and pretence" that their fines "ought to be certain, whereas the same are uncertain and arbitrary and at the will of his Highness being Lord and owner of the manor of Accrington."

and examine the goodness of all their landes," which they believed would make the tenants more amenable to negotiation.[1]

The threatened investigation does not seem to have been held till 1616. An account of the two visitations to Preston and Haslingden in that year and of the enclosures of the waste lands which they disclosed has already been dealt with.[2] Upon the findings of the second of these inquiries information was lodged in the Duchy Chamber against the copyholders of Accrington, Oswaldtwistle and Haslingden, who were said to hold by insufficient title about sixty acres of Haslingden common pasture enclosed by commission in the time of Philip and Mary, together with certain other parcels of His Majesty's wastes improved by permission at certain yearly rents or encroached without any warrant or authority. What was the precise nature of the subsequent negotiations our records unfortunately do not reveal; but it appears that in July, 1617, a survey was made of the copyholds and freeholds in the three townships,[3] and that on the 3rd of February following authority was given to three officers of the Duchy Court to bargain with the tenants, who evidently by this time had abandoned their opposition. No doubt the copyholders recognised the futility of contesting with the Crown. With regard to their enclosures since 1507 they were in no better position than the newholders, while as to their fines and their rights in relation to the commons they were faced with the very risky business of proving indisputable customs.

However that may be, the officers were instructed to arrange terms for the confirmation of the copyholds and the certainty of the fines, for the liberty of dividing the commons, and for the payment of arrears of fines due to the Crown since the restraint of admissions which had been ordered when the dispute began. The settlement with regard to the establishment of title was made on the basis of forty years' purchase of the customary rent. The Exchequer was to receive the sum of £793 17s. 6d., of which the tenants of Haslingden were to contribute £469 15s. 10d., and the tenants of Accrington and Oswaldtwistle £324 1s. 8d. For liberty to enclose their commons, the inhabitants of Haslingden agreed to pay £30, "beinge a newe increased Rent of sixe shillings eight pence ancyentlie paid." The commons were to be demisable by copy according to the custom of the manor, and the tenants were to have power to divide them in proportion to their cus-

[1] S.P.D., Jas. I, LXIV, 37. A similar indisposition on the part of copyholders to treat with the Crown was manifesting itself in other parts of the country, *e.g.*, at Pontefract, where they at first refused to compound for the certainty of their fines, which they considered already certain (1611; *ibid.*, LXV, 75); and at Spaldwick, Hunts., where they refused to purchase their copyholds on the ground that the demesnes had already been purchased by divers persons of the Earl of Leicester about 16 Elizabeth (*ibid.*, LXXI, 91).

[2] Chap. II, pp. 63-6.

[3] Court Roll, No. 101, Halmote of Accrington, 1 June, 1619.

tomary rents, paying yearly for their allotments at the rate of sixpence an acre, any " residew of the saide Rente of thirtie pounds to be equallye divided amongst all and everye the Incrochementes and Cottages not formerlie Rented." Lastly, the arrears of fines since the restraint were to be discharged for the round sum of £150, two-thirds of which was apportioned as the share of Haslingden and one-third as the share of the other two townships. The whole composition was to be paid in two instalments, one-half on the issue of the decree of confirmation, and the second half within one month of the passing of an Act of Parliament ratifying it.[1]

Soon after the Duchy decree had been granted, the first moiety of the composition money was paid and the work of dividing the common pastures began. It proved a lengthy operation. The commissioners charged with the duty were nominated in May, 1618, and, though they had evidently begun their labours by the early part of the following year, the registration of the final apportionments was not made until the Halmote of 23 October, 1623. The slowness of the proceedings may have been due to the failure of many of the copyholders to redeem promptly their obligations, for allotments were ordered to be granted only to those who had reimbursed Ralph and Andrew Holden, who had apparently undertaken the responsibility of finding the money due to the Crown.[2] As the assignments were made, the admittances to them were recorded in the court rolls.[3] By far the largest number of grants were carved out of the High Moor, from which about 760 acres were demised in more than a hundred parcels ranging in area from less than 1000 square yards to over 40 acres. On the Flaxmoss the much smaller total of 80 acres was divided, while from the pasture called the Slate only about 63 acres were taken.

Perhaps the most striking feature about the partition is the fact that, with respect to about one-half of the allotments, the persons who were admitted to them were not those to whom they were originally apportioned. Many of the parcels were purchased from, or were taken " with the consent " of, the first assignees. In some cases this may have been due to the inability of the tenants to furnish their quota of the composition fine, or to undertake the expense of enclosing their shares of the common, or to the fact that they already had as much land as they cared or were able to manage. Possibly some such explanation accounts for the surrender by Henry Romesbothom of

[1] Decree confirming the copyholders of Accrington, Oswaldtwistle and Haslingden, 10 February, 1618. Dy. Lanc. D. & O , No. 27. Court Roll, No. 101, gives a copy of this decree, also the rental of the copyholders and a copy of the commission for dividing the wastes.

[2] " Commission for dividing of wastes and apportioning of rents in Haslingden ; " Court Roll, No. 101.

[3] Admittances were granted at each Halmote except one, held between 1 June, 1619, and 23 October, 1623 inclusive (Rolls, Nos. 101-6).

Whitecroft of nearly all the land to which he was entitled.[1] Another tenant, Peter Romesbothom, had assigned to him seven pieces, in all some 16 acres, on the High Moor and Flaxmoss, every one of which he sold to others. Many (like the two above-named) had allotments on two of the pasture grounds, on one of which they sold their plots in order to buy additional pieces on the other, doubtless for reasons of convenience. In one case, at least, a tenant [2] was allotted shares on all the three commons. He exchanged his assignments on Flaxmoss and the Slate, amounting to about 7 acres in all, for another portion of about 10 acres on the High Moor, where he had already received an allotment of some 40 acres. The readiness on the part of some tenants to yield their shares probably afforded an opportunity to individuals who were not tenants to acquire holdings. Thus James Ratcliffe, whose name does not appear in the rental compiled for the purpose of the division, purchased from three of the tenants a small estate of 9 acres on the High Moor.[3]

Shortly after the settlement with the inhabitants of the vills of Haslingden, Accrington and Oswaldtwistle, the commissioners proceeded to Huncoat. In this township a similar arrangement was concluded, the tenants agreeing to compound for their holdings at the forty years' rate.[4] They purchased their commons for £4 17s. 6d., and compensated the king for loss of fines since the restraint of admittances by the payment of £9 0s. 6d. But the division of the wastes was more speedily carried out, the number of tenants and the area to be apportioned being much smaller than in the case of Haslingden. The decree of confirmation was granted on 4 June, 1618, and five days later the order for the partition was issued. The whole of the new tenements were enrolled at the Halmote held on 15 May, 1620.[5]

Meanwhile the copyholders interested in the pasture of Henheads had made application to the Duchy Court to have that area enclosed in severalty. It will be recalled that this common had been let to the tenants of the vaccaries in Accrington and Rossendale at a rent of twenty shillings, but from its situation it is probable that it was used only by occupiers in the eastern parts of Accrington (*e.g.*, High Riley,

[1] He parted with 4 acres on the High Moor to Edward Raustorne of Rawtenstall, 2 acres on the same pasture to John Ormerod, and 4 falls on Flaxmoss to Francis Romesbothom, keeping only a small piece of less than one and a half acres on Flaxmoss for himself.

[2] Henry Heape.

[3] A tabulated list of the assignments on the three moors is given in Appendix M.

[4] Their rentals were returned at £4 3s. 0½d.; the amount of the composition was therefore to be £166 0s. 10d.

[5] The decree, the rental of the copyholders and freeholders, the commission to divide the wastes, and the assignments made are all recorded in Court Roll, No. 102 (1619-20). The area divided was about 204 acres, out of which 17 acres were awarded to Charles Ryley and 7 acres to John Ormerod in settlement of a dispute pending between them and the tenants of Huncoat. The assignments are given in Appendix N.

Cowhouses and Baxenden), and in the western booths of Rossendale (*e.g.*, Wolfenden Booth, Goodshaw, Crawshawbooth, Constable Lee and Oakenhead Wood, Newhall and Rawtenstall). These tenants now offered to increase their rent to £40 for permission to enclose their shares. The Duchy Court consented to their petition, and authorised them to appoint arbitrators who should apportion the waste either among the several vaccaries or among the individuals claiming right on it according to their preference.[1] The process of division began in 1620. It differed from the partitions which have been previously described in several particulars. In the first place, the assessors were chosen by the copyholders themselves and not by the officials of the Duchy Court. They were usually selected from the more substantial of the local landholders. Secondly, whereas in Haslingden and Huncoat the allotments were made in proportion to the rents of the holdings to which the right of common was appurtenant, on Henheads the tenants took parcels corresponding to the rents they paid for the use of the common pasture, which rents through transfers had often come to be held quite independently of the copyhold tenements to which they had originally belonged. Thirdly, the actual area assigned is very rarely stated. The partitioner is said to have taken " his ratable part and proportion according to his particular rent of so many pence the year for the same as it is now staked and set out by metes and bounds." Sometimes, however, the actual situation of the allotment is indicated ; for example, by reference to the tenant's own " inland " or to the portions assigned to other tenants. It is not easy to gather from the records what was the precise course adopted in the division, but apparently the first doles were meted out to the claimants in Baxenden. After that it would seem that other tenants from any booth took their shares as they were prepared to claim them. The distribution was a rather haphazard business, as perhaps the copyholders themselves felt, for in some of the later admittances entered in the rolls the provision is made " that if in the end of the said division the said pasture doe not extend to give the last man his ratable part thereof, Then the said X. Y. is contented to abate towardes the want if there bee anie a ratable part according to his rent." [2]

The fear thus expressed was not, at any rate immediately, realised, for some parts of Henheads remained unenclosed in 1630, when a second commission for dividing the pasture was authorised by Charles I. This document recites the terms of the earlier order and expresses the king's willingness " to ratifye and confirme the royall will and pleasure " of his late deceased father. Eight of the copyholders of the manor

[1] Dy. Lanc. D. & O., 28. Court Roll, No. 104, Halmote of Accrington, 15 October, 19 Jas. I.

[2] Court Rolls, Nos. 104, 105, 106. A few extracts from these rolls illustrating the apportionments in Henheads are given in Appendix O.

are nominated to repair to the pasture and divide the residue "in quality and quantity and conveniency" amongst those who are still entitled to a share.[1] During the next two years some half-dozen occupiers in Goodshaw, Loveclough and Crawshawbooth were admitted by the steward as the several copyhold tenants of their respective assignments.[2]

The conversion of waste and common pasture into private holdings brought about by the above proceedings in the manor of Accrington was accompanied by a parallel process in all the other members of the Clitheroe Honor. Between 1619 and 1630 the open lands of Colne, Ightenhill, Chatburn, Pendleton and Tottington,[3] were cut up, and speedily took on the chequered appearance of irregularly shaped fields which is so familiar to the rambler who delights to tramp across the moors to-day. If we would seek an explanation of the interminable stone fences that cross and re-cross in all directions, enclosing in paddocks of countless shapes and sizes what are often apparently useless stretches of coarse tufted grass, heather and gorse, boggy swamps of peat, or tracts of barren stony ground, we must go back to the times of the Tudors and the early Stuarts, when a sturdy yeomanry strove to wrest from a niggard Nature a hard-won livelihood and needy sovereigns sought to acquire something of the fruits of their tenants' labours.

Whether the peasants who were compelled to compound for their tenures felt themselves compensated by the permission to take in such lands we can only surmise, but events were to prove that they were not to be called upon for the full payment for some time. In many cases half the burden was to be reserved for the shoulders of their successors. The second moiety of the composition was to be paid after the Act of Confirmation. It was not until 1640 that such a measure was introduced in Parliament. In the meantime the right to the unpaid composition money was transferred to Sir Allan Apsley, Lieutenant of the Tower, in settlement of debts contracted by him and his creditors on behalf of the Crown in victualling the Navy and the Tower.[4] It was probably at the instance of Apsley's trustees that the Bill was passed by the House of Commons in the first session of the Long Parliament,[5] but, owing to "the distractions then growing," it failed to become law. The Act was eventually passed by the Rump in 1650, when it was enacted that the remainder of the composition money should be paid to the Navy and Tower creditors before the 1st of September following, on penalty of a fine of £5 per day in case of default. The amount due, it seems, was not paid by the appointed

[1] Court Roll, No. 113. [2] Court Rolls, Nos. 114, 115. See Appendix O.

[3] For lists of decrees and commissions for dividing the wastes in these manors, see Appendix P.

[4] S.P.D., Chas. I, CXXXI, 3; CCCCXV, 21.

[5] *Journals of the H.C.*, 1640-42, pp. 37, 59, 100, 219, 323; *Journals of H.L.*, 1628-43, p. 451; Cal. H. of L. MSS. (*Hist. MSS. Comm.*, App. to 4th Report), p. 98.

day, whereupon the creditors proceeded to exert pressure on the tenants, some of whom, more careful than their neighbours "of preserving their estates and preventing further damage," discharged the whole composition "together with a great overplus, amounting to £5,833 in all."[1] Even then the luckless copyholders were not out of the wood. At the Restoration, the Cavalier Parliament declared the incompetency of the two Houses to legislate without royal assent, hence the Commonwealth Act of 1650 was no longer valid. Those more public-spirited tenants who had satisfied the demands of the Apsley trustees now petitioned Parliament for a further Bill and for power to levy from the defaulters the moneys in arrear.[2] The Act they sought was passed in 1662.[3] It confirmed their estates and acquitted them of all further claims for composition by the Crown or the executors of Sir Allan Apsley, but how much of the money advanced by them was recovered from the defaulters we do not know.

The statutes of 1609 and 1662, taken together, may be said to constitute the charter of the copyholders of the Honor of Clitheroe. Upon the two settlements which they legalised rests the validity to-day of the Blackburnshire copyhold estates. In the controversy which was thus ended it is, of course, impossible to acquit the royal lawyers of the charge of sharp practice. In both settlements the Crown took advantage of an alleged technical flaw in the titles of its tenants, and in the second of the difficulty inherent in proving the certainty of a custom, in order to wrest a substantial tax from the copyholders. No doubt the king's action appeared to the unfortunate subjects concerned a piece of wanton despotism, but when the matter is considered in the light of contemporary history, it is unnecessary for us to seek the explanation in any special degree of avarice or tyrannical harshness in the king. For it is clear that James I was doing no more than other landlords were doing, or than his predecessors had done.

The fundamental reason for the policy of the Crown is to be found in the general causes which were bringing about the transition from a manner of life ruled by usage to an economy governed by competition. The spirit engendered by the development of trade and the spread of

[1] According to the *Royalist Composition Papers*, II, 63-70, the sum paid by the Clitheroe tenants was £4,833, equal to thirty-two years' purchase of their holdings, so that in all they had to pay fifty-two years' rent before their tenures were finally confirmed.

[2] Whitaker, who prints a fragment of this petition (*Whalley*, I. 289), was mistaken in thinking that the earlier settlement of 1609 had been set aside and that the tenants had been compelled to increase greatly their first offer of twelve years' purchase. As will be understood from the above account, there were two separate compositions in respect of quite distinct parts of the king's demesnes. Other writers, *e.g.*, Newbigging, and Dr. Savine (*Quart. Journal of Economics*, XIX, 59), have been led into the same error.

[3] 14 Chas. II, No. 21 (Private Acts.)

commercial ideas was bound, sooner or later, to affect all the means of production and to assault even the most firmly established strongholds of custom. When the prices of commodities and labour rose, it was inevitable that recompense for the use of land should follow suit. That was a comparatively easy matter in the case of leases and tenancies at will of freehold land. But copyholds enjoyed a certain measure of protection. If the ancient rent was fixed, the landlord must try to compensate himself in some other way. He might, for example, demand increased fines from incoming tenants, and, if they refused to pay, might resume his copyholds and lease them at rack rents. If, however, local custom still stood in his way, he might try to set it aside or to prove its insufficiency. The Bosham case quoted by Dr. Savine illustrates how this could sometimes be done. Lady Berkeley questioned the customs which her tenants in Bosham asserted had been confirmed by an indenture between them and her predecessor. The unfortunate inhabitants spent £900 in defending their estates, and, after losing the suit, had to pay a further £2000 in order to keep them.[1] Now, the position of the king was, in essence, similar to that of other manorial lords. The income from his lands was stationary. It had not grown with the rise in prices which swelled his expenditure. His tenants, on the other hand, were enjoying a steadily appreciating economic surplus. In view of the unwillingness of Parliament to make good his deficit, it would have required more than ordinary forbearance and magnanimity on the part of the sovereign to resist the temptation to recover some part of their gain. Many of the devices by which he sought to do this have been reviewed, and prominent among them were those methods by which he, like the private landlords, called in the aid of the law to accomplish his purpose.

It will thus be seen that the Clitheroe dispute has a significance apart from local history. Demonstrating, as it does, the weakness of at least one class of customary tenant, and that a class which cannot have been small numerically, it is important as an incident in the keenly-contested struggle over the position of the copyholder in general. Upon the issue of that struggle depended not only the character of the national system of land tenure and the prosperity of the small farmer, but even the peace and stability of the commonwealth ; for, as Maine pointed out,[2] the revolution which overwhelmed France two hundred years later was largely due to the unsolved difficulties of the relations between the peasants and their feudal superiors. It was England's good fortune that her problem received a solution earlier and in a more peaceful fashion ; and, if the English copyholder did not always hold his ground, if he had to yield much, he did at least retain a status superior to that of his counterpart across the Channel.

[1] *Quarterly Journal of Economics*, XIX, 57.
[2] *Early Law and Custom*, pp. 299 *et seq.*

CHAPTER VI.

THE DOMESTIC WOOLLEN INDUSTRY OF THE SEVENTEENTH AND EIGHTEENTH CENTURIES.

1. The Genesis of the Textile Manufacture.

It will have been gathered from the foregoing pages that the beginning of the sixteenth century was the turning-point in the history of Rossendale. For three centuries previously, the economic life of the district had pursued an even and almost unchanging course. So long as it was controlled by a forest organisation there was little opportunity for development, save when a vigorous and enterprising lord like the Earl of Lincoln chose to exploit its resources. But the disafforestation order of Henry VII was followed by a remarkable expansion. In spite of an inclement climate and a niggardly soil the population grew rapidly. The greater opportunities afforded for setting up farms and cottages not only fostered a natural increase of the native population, but attracted many settlers from outside the Forest area. The Andertons, the Ashworths, the Garsides, the Rawsthornes, and many other names which figure in the records, testify to the establishment of families from other parts of Lancashire and neighbouring counties. Our examination of the methods by which the waste came to be appropriated and the occupied lands passed from hand to hand has shown that the expansion of the sixteenth century resulted in the occupation of the moorland by a community of small farmers. It will become apparent, as we proceed with our investigation, that this was really the formative period in the history of Rossendale, and that the emergence and persistence of the small holder is the most significant fact in the development of the district down to the middle of the nineteenth century.

At no time, indeed, has any material proportion of our area been in the hands of large proprietors. In the Middle Ages one of the free tenants held 132½ acres, but there is nothing to show that any other holder in the manor had an estate of a similar size. The vaccaries of the thirteenth and fourteenth centuries, with their seventy or eighty head of cattle apiece, must, indeed, have been farms of considerable

acreage, but exactly how large they were we have no means of judging; and, though they were probably undiminished when converted into leaseholds, there is reason to believe that the lessees, in some cases, divided and sublet them. In any case, it is beyond question that all save one or two were partitioned on being granted by copy in 1507. Enclosures from the waste were almost invariably of small parcels. In some instances they were taken by squatters or landless natives. Where taken by landowners they did not, as a rule, greatly enlarge their estates. It is true that, when the commons were divided in the seventeenth century, some of the partitioners acquired plots aggregating 40 or 50 acres—a fact which points to the existence of correspondingly large estates to begin with. But such lion's shares were very few, and though they would, of course, make large holdings larger, we have to set off against any tendency towards the growth of big estates a more decided and powerful influence making for the subdivision of large properties by family arrangements and the operation of sales and leases. A comparison of the rentals of the beginning of the sixteenth century with those of the seventeenth makes the replacement of larger by smaller landholders and the ultimate predominance of the latter unmistakable.

Unfortunately, the records relating to these small properties too often give no indication of their exact size. We have seen that some two-thirds of the holdings in the early years of the seventeenth century were held at a lord's rent of less than 10s., but their rents are not always a safe guide to their acreage. Land improved from the waste was usually granted at 4d. per acre, but this rate did not apply to many of the older tenements in the vills or to the vaccary lands which were arrented in 1507. On the other hand, some improvements were rented at a higher rate, and the enclosures from the commons partitioned in the seventeenth century were held at 6d. per acre. Perhaps, for the purpose of a rough calculation, 4d. per acre would not be very wide of the average copyhold rent, and at this rate it would seem that about two-thirds of the properties at this time were less than 30 customary acres in area, and that nearly two-fifths of them contained less than 15 acres.[1]

As the century wore on, changes in ownership were accompanied by a still further subdivision of estates. The rental of 1662 shows an increase in the number of separately rented parcels of 50 per cent. over those of 1608, and, though it would be unsafe to infer from this that the same amount of land had come to be distributed among half as many more tenants in the fifty years, yet a comparison of the two rent rolls leads us to the unavoidable conclusion that the number of

[1] Compare the areas of the farms tenanted from the Abbot of Whalley before the dissolution of the monastery; above, p. 84.

individual holders of the original estates of 1507 had continued to grow. The process must have made more difficult as time went on the task of many of the tenants in finding subsistence for themselves and their families, unless, indeed, the diminution in the size of farms was compensated by improved methods of management and cultivation, or the farmers were able to supplement their incomes by other means. The low productivity of the great bulk of the holdings is demonstrated by the returns of a poll tax which was imposed by the Restoration Parliament. By an Act of 1660[1] contributions were levied upon all persons above the age of sixteen years (not in receipt of alms or poor relief) for the purpose of disbanding and paying off the naval and military forces of the Protectorate. Holders of estates in land, leases or otherwise of the annual value of £5 or more were subjected to a graduated tax beginning at a minimum of two shillings. Persons with less than that amount of landed property were assessed at one shilling each if single, and sixpence each if married. The returns for the most part group the inhabitants of taxable age in families or households, though they include many individuals separately enumerated. It is therefore possible to form a rough estimate of the number of households in the locality with the yearly value of the more substantial holdings belonging to them. In the area which includes the settlements of the Forest of Rossendale, Haslingden, Accrington, Huncoat and Oswaldtwistle, there appear to have been at a minimum computation some 654 households. Only 30 of these were rated as occupiers of land worth £20 per annum or upwards, 68 had estates of from £10 to £20, 145 held lands valued at between £5 and £10 a year, while no fewer than 406 came below the £5 limit. How many of the last class were without land at all the tax roll does not record, but so far as can be ascertained by a comparison with the rental of 1662, they were not numerous. The great majority of the heads of households were landholders (as were also many of the persons separately enumerated), and of these it is clear that nearly two-thirds were maintaining their domestic establishments on farms or plots of land which were either very small or of very inferior fertility.[2]

How, then, did so many families contrive to subsist upon such meagre estates? It is true, of course, that the standard of life, even of the independent farmer, was low, much inferior, probably, to that of an agricultural labourer to-day. Some of the smallest holders were doubtless employed, as the landless cottagers were, by larger tenants as labourers, but the unsuitability of the climate and soil for the production of tillage crops, and the small number of farms sufficiently large to require the labour of more than one man and his family, renders it very improbable that there would be much sustained demand for agricultural labour.

[1] 12 Chas. II, c. 9. [2] Exch. K.R. Lay Subs., 250/4.

And the question is the more pertinent because the position of the small holder in Rossendale was quite different in this respect from that of his equals in many other parts of the country. So far as we can tell, most cultivators of small farms derived the chief part of their maintenance from their arable land. Mr. Tawney has compiled tables contrasting the extent to which corn-growing was pursued on small and on large farms in the sixteenth century,[1] and the preponderance of tilled ground over grassland in the former is shown to be overwhelming. And, though the growth of a domestic woollen manufacture and the rise in the price of wool were tending at that time to increase the proportion of pasture land in the country as a whole, the impetus thus given received a check towards the end of the century, before probably it had materially affected the use made by the small men of their land. At any rate, during the next hundred years the tendency must have been rather in the opposite direction; for sheep rearing ceased to be so profitable as it had been, and tillage came to receive encouragement from the higher prices of corn and improved methods of cultivation, and even from the policy of the State.[2] It was not until comparatively recent times, when the introduction of expensive machinery and costly methods of draining and manuring put a premium on the production of grain on a large scale, and when improved means of communication brought cheap supplies from distant lands, that the small holder was compelled to abandon corn-growing and to resort more largely to stock-raising and the cultivation of fruit and vegetables as the price of his survival. But in Rossendale, the occupiers of land—small as well as large—had always been rather graziers than corn-growers because of the exigencies of climate and soil. Though no complete statistics can be given to show what were the relative proportions of land under the plough and in grass in this locality during the sixteenth and seventeenth centuries, such figures as we can obtain present a striking contrast to those which Mr. Tawney has collected of seventeen manors in such widely separated parts of England as the south-west, the midlands and the north.[3] A survey was held in 1538 of the possessions of Whalley Abbey, which had been confiscated as a result of the participation of the abbot in the Pilgrimage of Grace. Among them were 30 tenements in Whitworth, Tonge End, Rockcliffe and Brandwood, which, though not all within the bounds of the Forest, were sufficiently near to illustrate the relative importance of pasture and arable land in the district. The 30 holdings comprised a total area of 464 acres. Of these only 152 were tilled, while 312 were in grass.[4] Thus, on the average less than one-third of the acreage

[1] *Agrarian Problem*, 107, 225-6.
[2] Cunningham, *Growth of English Industry and Commerce*, II, 101-9.
[3] *Op. cit.*, 107. One of the manors is in Lancashire.
[4] *Whalley Coucher*, IV, 1226 *et seq.*

of these small holdings was devoted to the production of corn and other vegetable food. On the other hand, Mr. Tawney's figures demonstrate that small farmers in other parts were tilling approximately seven-eighths of their land. The contrast makes it manifest that in Rossendale the farmer was reducing the area to be ploughed to a minimum. Indeed, in many cases the area under grain was so small—on eight of the farms it was even less than 3 acres—that it is clear there was not sufficient cereal food being produced to meet the needs of the tenant and his family. In so far as the farmer's maintenance depended upon the produce of his tenement, it is evident that he relied mainly upon his pasture and meadow land.

But though grass land formed the chief part of his holding, he enjoyed also extensive rights of common upon the waste. Even after the enclosures of the sixteenth and early seventeenth centuries, there still remained a great deal of unappropriated land which increased the facilities of many a tenant for rearing stock. Previously cattle had been more numerous than any other kind of stock raised, but sheep were now becoming their serious rivals. The frequent mention in the court rolls of sheep-gates upon both common and private pastures, as well as the fines imposed in the Halmote for overstocking the commons, testify to the growing importance of sheep rearing in the activities of the farmer. The flocks of individual tenants were by no means negligible. Tenants in Wolfenden Booth and Bacup purchase or take on lease holdings with thirty sheep-gates upon the commons.[1] Two women in Haslingden are amerced for oppressing the town's common pasture with 60 sheep each.[2] Two other persons are fined at the Tottington Halmote for a like offence with 80 sheep.[3] At the same court it was reported on one day that no fewer than 230 sheep had been pastured on the commons of Tottington without licence.[4] The testimony of the manorial records is confirmed by wills and inventories of the same period. A widow of Tottington, for example, died owning 40 sheep, 12 of which she bequeathed to her two men servants and her four maids.[5] Such facts as these are sufficient to prove that wool-growing had entered into the economy of the Rossendale landholders; and some idea of the position of the Forest as a sheep-rearing district compared with other parts of the Hundred of Blackburn may be gathered from the account of the tithes received by the Abbot of Whalley in 1536. Haslingden rendered 30 lambs and 8 stones of wool; Rossendale 40 lambs and 12 stones. Only one other place contributed more lambs than Rossendale, namely Whalley, which sent 47, but its render of wool was less, being only 10 stones.

[1] *Clith. Ct. R.*, III, 174-5; Court Roll, No. 74.
[2] *Clith. Ct. R.*, III, 15. [3] *Ibid.*, 328. [4] *Ibid.*
[5] *Picoppe MSS.*, XI, 67-9. She also had sixteen cattle.

Even Burnley paid only 24 lambs, though its contribution of wool was 18 stones.[1]

There are many indications that the small farmers were beginning to keep larger flocks of sheep than herds of cattle. The explanation may perhaps be that sheep were cheaper both to buy and to rear than cows, but, in view of what will be said presently, we may readily believe that there was an increasing demand for wool for the purposes of domestic manufacture. The little sheep farms of the sixteenth century were only the antecedents of larger undertakings in the seventeenth and eighteenth centuries, much in the same way as the small flocks of the midland and southern yeomen in the fifteenth century were followed by the great droves of the graziers of the seventeenth; only with this difference, that, whereas in the latter case the small men were often ousted by the great, in Rossendale there were no evictions, and small farmers pastured their scores alongside the hundreds of their neighbours who had prospered more greatly.

The sheep reared were probably the ancient Lancashire breed, the progenitors of a stock produced in these upland parts at a later date and known as the Haslingden breed—a hardy animal of fair size, horned, with gray face, and bearing a fleece as good and as heavy as the sheep of the Cheviots.[2] Rossendale wool was bought at the neighbouring fairs and markets of Bury, Bolton, Rochdale and Burnley, as well as in the more immediate and infant mart of Haslingden.[3] No doubt it went to furnish material for the woollen manufacture which had become well established during the fifteenth century in the hilly districts of Blackburnshire and Salfordshire.[4] Burnley and Colne, on the northern side of the Forest, had had fulling mills since the end of the thirteenth century.[5] The hamlets on the south about Rochdale had their cloth workers making up home grown wool in the fourteenth;[6] while in 1538 Bury was noted by Leland for its yarns and the villages around Bolton were mentioned for their "cottons."[7] By 1566 the local manufacture had become sufficiently important to make necessary the appointment of deputies to the aulnager for the county at Rochdale, Bolton, Blackburn and Bury, as well as at Manchester.[8] In a single week, three years later, 2450 yards of woollen cloth were purchased, mostly, if not entirely, in Blackburn Hundred, by Dean Nowell for distribution among the poor in accordance with his brother's will;[9] and the closing years of the century saw the stewards of the

[1] *Clith. Ct. R.*, III, 408-13.
[2] Rothwell's *Report of the Agriculture of Lancashire* (1850), 105.
[3] See below, pp. 176-7.
[4] *V.C.H. Lancs.*, II, 295-6.
[5] *De Lacy Comp.*, 3, 119; 8, 122; etc.
[6] *Transactions of the Rochdale Literary and Scientific Society*, XV, 90.
[7] *Itinerary* (1711 ed.), VII, 41, 42.
[8] *Stat. Realm*, 8 Eliz., c. 12.
[9] *Towneley Nowell MS.*, 286.

Shuttleworths purchasing yarn and cloth of both linen and wool, and employing spinners, weavers, fullers, dyers and dressers in the neighbourhood of their halls at Smithills and Gawthorpe.[1]

Not all the wool produced in Rossendale, however, went to the spindles and looms outside. An industry planted so firmly and growing so vigorously all round must inevitably have spread its roots into the Forest area. And there are unmistakable signs that the raw material was being worked up in the homes of the inhabitants quite early in the sixteenth century. Wool producers resort to the local courts to recover debts for small quantities of wool purchased from them.[2] Some men are fined for buying wool "opon the sonday" contrary to the statute.[3] Others are presented for keeping an "*irracionabile pondum* called a wolle weghte."[4] And our suspicion that the purchases implied by these records were intended for local manufacture is strengthened when we read of pleas concerning "webs of cloth,"[5] and observe that a widow leaves to her son her "whele, combes and cardes."[6] It is not at all improbable that some of the purchases of Dean Nowell referred to above were manufactured in Rossendale, for among the chapmen from whom he obtained them was a Rychard Hayworthe, who was a member of the family of Haworth of Green Haworth and Crawshawbooth, and who supplied the Dean with nearly 500 yards of cloth.[7]

Here, then, must be found, in part, the reason why so many people managed to keep themselves on their little plots. The low fertility of the soil could scarcely of itself, with sixteenth-century methods, have maintained so many small occupiers as we have seen to be established in the locality. Settlers were attracted not so much by the prospect of becoming well-to-do farmers, as by the mere facility with which land might be enclosed or acquired in order to set up a homestead. Is it not probable that many of the small pieces of land taken by those squatters who were brought before the lord's steward or the royal commissioners from time to time were the modest settlements of men who had learnt the art of cloth-making in their native villages and were seeking a new market for the products of their skill? Other artisans of greater means would purchase a small holding—large enough to enable them to keep a cow or two, a few sheep and a hen-cote, but not so large as to entail too great a demand upon their time. From small beginnings like these surely sprang some of the more substantial clothiers of whom we read in later times.[8]

[1] *Shuttleworth Accts., passim.* [2] *Clith. Ct. R.*, III, 13, 33, 130, 285.
[3] *Ibid.*, 207. [4] *Ibid.*, 156, 282. [5] *Ibid.*, 33.
[6] Will of Agnes Rawstorne of the Lumm, widow, 1594. *Lancs. and Ches. Wills*, III, 146.
[7] *Towneley Nowell MS.*, 278, 279.
[8] In 1538 two landless settlers, John and Ambrose Fenton were each amerced 4d. by the Halmote "for incroaching a certain parcel from the Kings' waste in the vill of

2. Methods and Organisation in the Seventeenth Century.

During the seventeenth century the woollen industry so far entrenched itself as to become a staple means of livelihood of a fair proportion of the inhabitants. Not only did the term "yeoman," by which the small farmer was usually designated, frequently indicate a landholder who divided his time between farming and weaving, but many individuals of this class preferred to call themselves "clothiers," or even "websters" or "weavers," as their wills and depositions in legal proceedings testify. The parish registers, too, of this time bear occasional witness to the occupation of clothmaking. But more definite indication of the extent to which the domestic manufacture had established itself is supplied by the subsidy roll of 1660, to which reference has already been made. Of about ninety-six heads of households in Accrington enumerated in that record, seven were classed as "clothiers" and thirteen as "websters." Of the clothiers, three employed three male servants each living with them, one employed two and a fifth one. Two of the websters also employed a man in their homes. In addition to these, many women and children must have been engaged in carding and spinning to supply the weavers with yarn, and in all probability not a few of the men designated "husbandmen" performed weaving in their spare time. For the rest of the Forest area the returns do not, unfortunately, specify the occupations of the contributors. But when we note that numerous households were maintaining three, four and five adults (to say nothing of children under sixteen) on properties stated to be worth less than £5 a year, and that a score of these included one or two men-servants, we cannot avoid the suspicion that the produce of their holdings was supplemented by some non-agricultural employment.[1]

At the time of this subsidy the woollen industry of Lancashire was beginning to be concentrated along its eastern border, linens and fustians[2] gaining ground in the southern and central portions of the county.[3] Rochdale began to stand out as the most important centre of the woollen trade, and the hamlets of Rossendale naturally fell

Haslyngden, and thereon setting a house, without licence" (*Clith. Ct. R.*, III, 97). In 1613 a Richard Fenton of Haslingden, clothier, died, leaving an estate valued at £160. Among his bequests were 40 yards of white cloth and 4 yards of white frieze (Raines MSS., XXVII, 401).

[1] On properties valued at about £5 a year, one man maintained himself, his wife and four male assistants, another had three men, besides his wife, a son, two daughters and two female servants, while three other married householders kept two men each.

[2] Fustians were fabrics made of linen warp and cotton weft.

[3] It was stated by a witness in 1681 that the aulnager had ceased to keep his office for sealing cloth at Blackburn and Bury "because the woollen trade is much lessened there" (Exch. Deps., 33 Chas. II, Mich., No. 33, Lancaster. *Cf.* A. P. Wadsworth, "History of the Rochdale Woollen Trade;" *Trans. Rochdale Literary and Scientific Society*, Vol. XV, 1925, 92-3).

within the compass of its industrial organisation. The town itself was the headquarters of merchants, chapmen and woolstaplers and the centre for fulling, dyeing and finishing,[1] while the manufacturing processes of carding, spinning and weaving were carried on in the surrounding country district, where the industry had free scope for expansion owing to the absence of any urban corporation seeking to monopolise the trade.

Before passing on to the methods and organisation of the manufacture, it will be well to glance at the kinds of material produced. Only the coarser fabrics were made in Lancashire, such as cottons, penistones, kerseys, bays and friezes, the three last-named being the chief products of Rossendale. They were generally narrow cloths, averaging from a half to three-quarters of a yard in width, but their lengths seemed to have varied considerably. Friezes—a heavy material with a nap raised and curled on one side—were usually 18 or 19 yards long, and weighed from 22 to 25 lb. a piece; on the other hand, bays—a lighter cloth woven with worsted warp and woollen weft—measured 40 to 42 yards long, and ranged in weight from 17 to 27 lb. Double bays were of the same length but a yard broad, and weighed 56 to 58 lb.[2] Kerseys—a wollen fabric of better quality than friezes—varied from 17 or 18 to 23 yards in length, and from about 20 to 25 lb. in weight.[3]

The preliminary operations of carding and spinning were performed by women, often assisted by their children, who were set to work at four or five years of age. As a single loom necessitated the labour of five or six persons preparing the yarn, the women folk even of agricultural labourers could find employment in this way, and almost every farm or cottage included one or more spinning wheels and a pair or two of cards in its domestic equipment.[4] If the housewife did not spin yarn for her husband, she took in wool sent out by a clothier. The raw material was first thoroughly oiled or greased with butter,[5] and then carded by being placed in handfuls between a pair of hand-cards and worked in all directions until the fibres were interlocked in a close fluffy sheet ready for spinning.

The yarn was sized before being placed in the loom, and this and the subsequent processes were carried out by men. The weaving was done on machines of a very primitive description. According to

[1] See Mr. Wadsworth's description of the town in the seventeenth century (*ibid.*, 94).

[2] Exch. Deps., 33 Chas. II, Mich., No. 33, Lancaster.

[3] Heaton, *Yorkshire Woollen and Worsted Industries*, 136, 197-8.

[4] See, for example, the inventory of Edward Butterworth of Round House (1716), printed in Newbigging, *Rossendale*, p. 326. His stock and furniture included three cows, various implements of husbandry, two spinning wheels, and a pair of combs and a stock. But combs and stocks, which were used in preparing wool for worsted yarn, were not common in Rossendale in the sixteenth and seventeenth centuries.

[5] Newbigging, *ibid.*, 208.

Newbigging, the weft was not even conveyed through the warp shed by means of a shuttle, but was rolled into a ball and passed from side to side by hand. But, when the shuttle was introduced, it was a clumsy device, and the limited reach of the weaver working alone was responsible for the narrow width of the fabrics produced.

The cloth was either sold in its unfinished state or taken to be fulled and finished at Rochdale, since there were, as yet, no fulling mills in Rossendale.[1] It was the fuller's business both to cleanse and to felt the fabric. This was done by treating it with soap and fuller's earth in order to remove the oil and size, and beating it while folded in a trough by means of heavy mallets or "stocks" worked by a water wheel. As the cloth was by this process greatly reduced in length and width, it was then necessary to stretch and dry it in a tenter frame. After that it might be sold "in the white," or it might be taken to a dyer to be dyed and "finished." Finishing consisted principally of raising the nap with teasels, and then clipping it with heavy hand-shears so that the projecting fibres were of uniform length. The cloth, after being tentered once more, was folded ready for the dealer.

The absence of any evidence of a fulling mill in Rossendale before the eighteenth century indicates that the local organisation was not yet sufficiently complete to enable the moorland clothiers to carry the manufacture through to its final stages at home. As already suggested, the district was industrially in the position of a dependant upon Rochdale, and the connection continued to be more or less close until the nineteenth century. Many of the women and artisans derived their employment from Rochdale clothiers, and the Rossendale clothiers themselves were largely dependent upon the chapmen and merchants of the town for their raw materials and the disposal of their manutured wares, as well as upon the Rochdale fullers and dyers for the finishing of their cloths.

Amongst the weavers were some who were their own masters, and a few owned more than one loom and employed "servants" or journeymen. These purchased wool from a stapler, had it spun at home or by their neighbours, and sold the piece when woven to a merchant or chapman. Other weavers, while owning their looms, were employed in their own homes by clothiers, receiving so much a piece for the cloth which they wove from the yarn supplied to them.[2]

[1] Rochdale had at least half a dozen fulling mills in 1626 (*Rochdale Survey*, xv).

[2] In an Exchequer suit concerning aulnage and subsidies payable on woollen cloths, it was stated that "a very good webster can scarcely earne fower pence a day wth weavinge, and a very good spinner but two pence a day, they findinge themselves meate, a pound of wool a day beinge as much as an ordinary p'son can carde and spinne" (Exch. Deps. by Comm., 28 Chas. II, Mich. 29. 40*th Report of Deputy Keeper*, App. No. 1, 285).

The clothiers of Rossendale were probably all men of small means, at any rate until towards the end of the seventeenth century. The inventory of Richard Fenton, a Haslingden clothier, made in 1613, shows, for example, that his total estate was valued at no more than £160.[1] The clothier's landed property was at this time usually very small, his money capital meagre, and his business largely transacted on a credit basis. His condition was probably comparable with that of many who were to be found in the neighbourhood of Halifax, and of whom it was said that they were not able "to keepe a Horse to carry Woolles, nor yet to bye much woolle att once, but hathe ever used onelie to repayre to the Towne of Halyfaxe, and some other nigh theronto, and ther to bye upon the Woolldryver, some a stone, some twoo, and some three or foure accordinge to theyre habilitee, and to carrye the same to theire houses, some iij, iiij, v, and vj myles of, upon their Headdes and Backes." [2]

But though humble, the clothier performed an important function in this early industry. He was the *entrepreneur* who made himself responsible for the production of cloth, purchasing raw wool, putting it out to spinners and weavers, at the same time often working some of it up in his own home, and selling his two, three or four pieces a week at the local markets or to a merchant who sent it to London or abroad. For the most part, however, his products were not, as we have seen, finished cloths. He did not, as a rule, as the Burnley [3] or Rochdale clothier did, see to the fulling, dyeing and dressing of the fabric before disposing of it. Such an enlargement of his functions was not to come until the eighteenth century, when fulling mills and dyehouses were established in his native valleys.

The small capital of this type of producer gave rise to another class which was a common feature in the commercial organisation of Lancashire and the West Riding. To bring the weaver and the clothier into touch with outside supplies of wool and yarn and to enable them to market their manufactured goods, middlemen were necessary. These chapmen, as they were called, developed a business of wide ramifications. They bought pieces from the small producers and either sold them to greater merchants in places like Manchester, Chester and London, or conveyed them to neighbouring markets, where they disposed of them to mercers and drapers, bringing back wool on their return journey. Their trains of packhorses might be seen traversing the moorland tracks which connected the manufacturing centres of

[1] Raines MSS., XXVII, 401.

[2] The "Halifax Act" of 1555, 2 & 3 P. & M., c. 13; quoted by Heaton, *Yorkshire Woollen and Worsted Industries*, 94.

[3] See *Shuttleworth Accounts, passim*. *E.g.*, Jas. Pollard in 1621 was paid by the Steward of Gawthorpe Hall for carrying through all the processes from the greasing of the wool to the milling, dyeing and dressing of the cloth (*ibid.*, II, 246-7).

the two counties. One such road led from Elland and Sowerby over Blackstone Edge to Littleborough, and thence through Wardle and Trough Gate into Rossendale.[1] Across this track, or partly along it, ran another on the high ground east of Bacup between Burnley and Rochdale. From Haslingden three important routes radiated: one going northwards along the King's Highway through Henheads and past High Riley to Huncoat and Whalley; another southwards across Flaxmoss, round the southern boundary of Musbury Park, and over Bull Hill to Turton and Bolton; and a third through Grane to Pickup Bank and across the Darwen valley to Tockholes and Preston. The traffic along these and similar routes kept scores of chapmen busy on both sides of the Pennines, and the scale of their operations, even in the sixteenth century, may be judged from the fact that within eight days Dean Nowell was able to secure 2450 yards of woollen cloth and 1800 yards of linen from about thirty of these tradesmen, nearly all of whom belonged to the district between Whalley, Blackburn and Burnley.[2]

But they acquired a bad reputation on account of their supposed price-raising activities and their hard dealings with the small clothiers,[3] and they were disliked by the merchants for their interference in trade; hence an Act [4] was passed in 1552 to prohibit the purchase of wool except by the great merchants and manufacturers who intended to make it into cloth. Had this prohibition remained unmodified, an end would have been put to that freedom from restriction which was making possible the peculiar development of the north country woollen trade, and the small clothiers would have been ruined. The disfavour in which the chapmen were held did not blind the clothiers to this possibility, and everywhere opposition was raised to the new Act. The men of Halifax made so strong a protest, urging that they were "like to be undone and dryven to beggery" because they could not "have theyre wooll by such small porcions as they were wont to have," that Parliament, in 1555, had to legalise the business of the wool-chapmen within that parish.[5] Thirty years later the clothiers of Lancashire, Richmondshire, Westmorland, Cumberland and Durham obtained the same exemption;[6] but that did not prevent an attempt being made in 1588 to punish a number of wool-dealers in Rochdale. Thereupon the local clothiers complained to the Privy Council that

[1] Fishwick, *History of Rochdale*, 81. An attempt on the part of the constable of Rochdale in 1608 to stop this road led to a Bill being lodged in the Duchy Court on behalf of the inhabitants of "Sowerbie, Yeland and Rochdale," who said that there had been "tyme out of mind of man a usual and common highway" for the inhabitants of the said places "to pass about their trades, being clothmakers, and other business over a common called Troughe" in the parish of Rochdale to a place called Rossendale.

[2] *Towneley Nowell MS.*, 278-86.

[3] See below, pp. 173-4.

[4] 5 & 6 Edw. VI, c. 7.

[5] 2-3 Philip and Mary, c. 13.

[6] Heaton, *op. cit.*, 122, quoting Br. Mus. Add. MSS. 34324, ff. 8-10, 14.

" thowsandes of poore people would be utterlie undone " if the Act of 1552 were enforced, and their petition for the same liberty which the men of Halifax had was granted.[1]

Henceforward the chapmen practically controlled the supply of wool to the small makers. Their position in this respect, together with their command over the market for cloth, gave them an advantage which they were not always slow to use ; and the system of credit upon which they transacted their business, combined with the illiteracy of their clients, resulted in much misunderstanding and litigation. It was a common practice for the clothier to obtain raw material from the chapman, either giving a bill for the amount at short date or undertaking to pay in cloth. One or two lawsuits may be cited in illustration of the method and of the difficulties to which it gave rise.

In 1691 Henry Crooke, a Haslingden clothier, lodged a bill of complaint in the Chancery Court of the Palatinate against the executors of Henry Coulbourne, a chapman of Radcliffe Bridge. He stated that he had been a maker of woollen cloth for more than twenty years, selling his goods in Rochdale market and buying his wool there and at other places. Coulbourne, who visited the market weekly, had supplied him with several quantities of wool, for which he had paid " divers and severall great and considerable summes of money and woollen cloth very near to the value of the wooll " received. A balancing of accounts made subsequently had shown, according to Crooke, that the clothier then owed the dealer only 29s. 7d., but on the latter's death his executors had demanded the payment of sums amounting to about £1000 for wares bought, taking no account of the money or cloth which had been given in return. As Crooke had refused to acknowledge these debts, he had been arrested in London when among his creditors and forced to find bail " to his great disgrace and to ye diminucion of his creditt and reputacion." Being without receipts for or witnesses to his payments, he found himself in a very awkward predicament, and he therefore appealed to the Palatine Court for protection.[2]

In another case a clothier of Hall Carr, named George Hargreaves, was the victim either of misunderstanding on his own part or of sharp practice on the part of a Rochdale chapman. Describing himself as a dealer in sheep's wool and maker of woollen cloth, he said that he had purchased wool from Abel Whittaker and John Smethurst, whom he had understood to be partners, and that according to agreement he had paid one or the other sometimes in cloth and sometimes in money. Whittaker denied both the partnership and the agreement, and sued him for the full payment in cash for the wool supplied. He asserted

[1] *Kenyon MSS., Hist. MSS. Comm.*, 595 ; *Acts of the Privy Council*, 9 Aug., 1590, XIX, 370-1.

[2] Records of the Palatinate of Lancaster, P.L. 6, 41/100 (1691).

that Smethurst was only a factor selling wool by his order, and that neither he himself nor Smethurst had ever taken cloth in discharge of the debts. In the case of one transaction he professed to have received from Hargreaves a note of hand for £4 which had never been redeemed. The dispute was further complicated by the fact that some of the business had been conducted by a third chapman, who appeared to be acting on Whittaker's behalf, and who had instructed Hargreaves to pay Smethurst's father. Both sides brought witnesses to prove the truth of their contentions, but whether the knot was unravelled cannot be ascertained.[1]

Whether by his own fault or through the trickery of his creditors, many a small clothier was betrayed into water too deep for him by the system of credit trading which prevailed. Some were even more unfortunate than the two whose cases have just been recited, as was poor Lawrence Hey of Martin Croft, Haslingden, who, " being in great Distress and having lived in Creditt all his life, but through extravigent children is Reduced, Advanced into Years, lame, Infirm and cannot work, and now is laid in Gaol for Debt," pleaded with the justices to grant him the " County Allowance." [2] Another luckless prisoner was Robert Scholefield of Loveclough. From his cell in Lancaster Castle he unfolded a pathetic tale, which incidentally throws much light on the condition and business of the farmer-clothier.

He said that in 1721 he had agreed to purchase the tithe wool of Whalley parish for three years at the rate of 8s. a stone from John Haydock of Feazenford, the farmer of the tithes. For the two years 1721 and 1722 he had paid in full, but for the wool of 1723 Haydock had at Easter, 1724, drawn a bill upon him for £50 payable at Michaelmas. Scholefield then in part payment had given his creditor a bill of £40 on a Mr. Morris of London, and had also supplied him with 30 yards of kersey cloth and 4 yards of broad cloth worth 5s. a yard, and 4 lb. of jersey wool worth 6s. 8d. Moreover, he had found meat and lodging for two men employed by Haydock in threshing corn, and had himself worked several days repairing the tithe barn at Loveclough, for which services he considered Haydock indebted to him for 16s. Thus he claimed to have wiped off the whole of his debt save 7s. 4d. But in October of the same year one of his debtors in London, a tradesman named John Davies, had failed, owing him £60. Scholefield determined to go after him, leaving his house and farm, which he said were well furnished and stocked with hay and corn, cattle and implements of husbandry, and also a large quantity of combed wool,

[1] Records of the Palatinate of Lancaster, P.L. 6, 42/70, 76 ; 7, 91 ; 10, 122. The writer was unable to find any decrees determining these disputes.

[2] I am indebted to Mr. A. P. Wadsworth for this abstract from the County Records at Preston. The date of the petition is 1 May, 1764. In the Haslingden Parish Register for 1752 Lawrence Hey of Martin Croft is described as a chapman.

woollen and jersey yarn distributed among a number of spinners and weavers to be worked up during his absence. At the same time, being indebted himself for £36 to two men of Hapton, he had instructed one of them to sell part of his goods that they might be satisfied. While the sale was going on, Haydock sent men to stop it, claiming to have obtained a judgment and execution against the clothier. These took possession of the money raised by the sale and the whole of Scholefield's property, including even the wool, yarn and woven material in the hands of his spinners and weavers. Meanwhile the unhappy clothier, after pursuing his defaulter from London to Liverpool, had failed to find him, and on his return was arrested without the option of bail for alleged debts amounting to £160.[1]

The case just described supplies an example of a local clothier who disposed of his goods, in part at least, without the aid of a chapman. Two London tradesmen are mentioned to whom Scholefield had evidently sent cloth direct ; and the fact that he had given them credit to allow them time to sell it demonstrates another link in the chain of credit transactions which bound together the various agents of production and distribution in the woollen trade. We have seen the chapman accepting bills from the clothier for wool. Abundant illustrations might be given to show him granting the same accommodation to the draper and the merchant for cloth.[2] The clothier also had to allow his customers to defer payment. Occasionally he was a middleman himself advancing wool on credit to weavers, but more usually it was when he sold cloth to mercers, chapmen and merchants, that he figured as the creditor.

Whether as debtor or as creditor, every clothier was more or less involved in the system. They were not all, however, so unfortunate as the men whose stories have been related above. Naturally it is when affairs are going wrong that men bring their business into the law courts ; but when we turn to the wills and inventories of the period we see the other side of the picture. The number of those who throve must have been greater than that of the failures, and of the estates which they left behind them " debts owing " or " bonds and bills " frequently formed a substantial part. Richard Fenton, for example, whose will was proved at Chester in 1613, died worth £160. More than one-third of this valuation consisted of credits, including £23 4s. owing by Jeremy Wolstonecroft, a fuller of Middleton, and £20 15s. by Robert Gregory of Haslingden.[3] The inventory of a Rochdale clothier of greater consequence, Roger Holt of Greave (1682), shows

[1] Records of the Palatinate of Lancaster, P.L. 6, 63/30.

[2] See the valuable paper on " The History of the Rochdale Woollen Trade," by A. P. Wadsworth. *Trans. of the Rochdale Literary and Scientific Society*, Vol. XV, 1925.

[3] Raines MSS., XVII, 401.

that five-sixths of his effects were made up of bonds, bills and debts, *viz.*, £1275 out of a total of £1505.[1]

So wide a prevalence of trading by bill was rendered necessary by the absence of such facilities as are now offered by banks ; and a similar explanation doubtless applies to the custom of raising money by mortgages. The landed property of the farmer-manufacturer gave him an opportunity of securing cash to meet a business emergency, while on the other hand the successful clothier found the lending of money on the security of a real estate a profitable and convenient means of conserving his gains.[2]

From the above account of the traffic in wool and woollens something will have been learned of the markets in which they were offered for sale. The weekly markets held in numerous centres throughout the manufacturing districts were another institution required for the convenience of small makers and traders, who were not able, as the merchants of Manchester, Rochdale, Halifax and Wakefield were, to send their pieces to London or abroad, or to visit the great national fairs such as those of Leeds, Manchester, Stourbridge and St. Bartholomew. The manufacturers of Rossendale bought their wool and sold their cloth chiefly, as we have seen, in Rochdale, but they traded also in Bury and Bolton, and even in more distant places. There were also a market and a fair at Haslingden. The earliest specific mention of the former appears to be in the Court Roll of 1555, where it is recorded that a John Radcliff was fined for being a "forestaller of the lord's market of Haslyngden,"[3] though before this date a number of Haslingden people had been presented for buying up wool to the injury of "the king's markets in Lancashire."[4] The Shuttleworth Accounts (1582-1621) have several references to both markets and fairs in the town where sheep were bought and sold,[5] and Blome, writing in 1673, described Haslingden as "a very small *Market-town* on *Wednesdays*."[6] Until the seventeenth century the profits of the markets and fairs appear to have been reserved by the king, but in 1632 the fair tolls in Haslingden, along with those in Colne, Padiham and Burnley, were leased to Roger Kenyon for the annual rent of twenty shillings. The

[1] Raines MSS., XIII, 240.

[2] Another method of giving credit in the seventeenth century may be mentioned, which connected the retail customer to the dealer in cloth. The scarcity of small change led tradespeople and employers of all kinds to issue tokens, which at first were of leather or lead. Later more durable discs of brass or copper were put into circulation, especially after the death of Charles I, when the shortage of copper coins was seriously felt. The Lancashire issues included the tokens of woolmen and dealers in woollen goods, merchants, chapmen, drapers and other shopkeepers. Two have been preserved uttered by Haslingden tradesmen, one by James Hargreaves (mercer ?), dated 1667, the other by John Lord, 1668 (*Lancs. and Cheshire Antiq. Soc.*, V (1887), 64-105).

[3] *Clith. Ct. R.*, III, 184.

[4] *Ibid.*, 64, 111-2.

[5] *Shuttleworth Accounts*, I, 19, 33 ; II, 249, 254.

[6] *Britannia*, 233.

days on which these taxes might be collected were specified in the grant, but the lessee in the following year complained that the fairs were "sometymes put of and removed by the Inhabitantes of the said townes or by some neighbouringe gentlemen or others from one daye to another," and were sometimes protracted beyond the days appointed for them; whereupon a decree was issued by the Duchy Court prohibiting the holding of fairs at those places except on the days fixed.[1]

3. Organisation in the Eighteenth Century.

In the eighteenth century important changes took place in the industry of Rossendale. The scale of production was enlarged and the different processes of the manufacture became more specialised. At the same time, the dependence upon Rochdale, though not completely severed, became less marked. Finally, towards the end of the century, the methods and organisation of the industry began to be modified as a result of the introduction of power-driven machinery. The concluding section of the present chapter will be concerned with the first two of these developments, and will carry us down to about the year 1780.

In estimating the importance of the textile manufacture relatively to that of farming at the beginning of the century, we are handicapped by the absence of such complete information with regard to occupations as a modern census gives us. Nevertheless a rough calculation may be arrived at by a consideration of the data supplied by the parish registers. It must of necessity be crude, because the statement of occupations, not being required in the registration of births, marriages and deaths, depended upon the individual who kept the books, and even upon his whim at different times, with the result that the occupations are recorded frequently in some years and not at all in others. With the knowledge of this drawback in mind we may attempt a tabulation of the different trades entered during a single year in each of the two registers which cover our area.

For the parish of Haslingden the year 1722 is selected as being the earliest in which occupations are stated with frequency. The only years of the eighteenth century in which the Newchurch books give them are 1705-6-7, and of these the first is taken as being the most complete. The classification shows the following result:—

[1] Dy. Lanc. D. & O., 31.

TABLE IX.

Occupations Recorded in the Parish Registers of Haslingden (1722) and Newchurch in Rossendale (1705).[1]

Parish.	Woollen Manufacture.			Agriculture.		Other Occupations.	Totals.
	Weavers.	Clothiers.	Carders and Spinners.	Yeomen.	Labourers and Husbandmen.		
Haslingden .	37 [2]	3	—	15	36	26	117
Newchurch .	37	—	2	11	6	8	64

It will be seen that in the parish of Haslingden those engaged in the woollen manufacture are nearly as numerous as those occupied in agriculture and form about one-third of the total whose trades are recorded. In that part of Rossendale for which the chapel of Newchurch served, the woollen artisans seem to predominate, being twice as numerous as those working on the land and comprising almost two-thirds of the whole number of individuals whose occupations are registered. Even if we add the twenty-three names of males whose employment is not specified, we have in this parish thirty-nine out of eighty-seven, or nearly half of the adult males, occupied in the textile manufacture. The figures given probably rather under-represent than exaggerate the relative importance of the woollen industry in Rossendale, for not only do they take no account of the great number of women who must have been engaged in carding and spinning for the male members of their families, but it must be regarded as more than likely that many of the males designated "labourers" and "husbandmen" earned their living partly by weaving, though at the same time many described as "weavers" were also occupiers of small farms. Moreover, we have to remember that the term "yeoman" frequently connoted a manufacturer. Thus at a moderate computation we may conclude that half of the productive energy of the people of Rossendale was expended in clothmaking, or in other words, that half of the total population was dependent on the textile trade, even in the early part of the eighteenth century.

The dependence even of that part of the population which is described as being occupied in the various processes of cloth manufacture was not, of course, complete. The combination of farming and weaving was to be for another hundred years a marked feature of the life of the inhabitants. The workers in wool were widely scattered over the

[1] Names occurring twice in the same year are counted only once.
[2] Including one "cotton weaver."

whole Rossendale district, as the accompanying map will show.[1] Though their homes were on or near to the main streams, that is only what we should expect from the fact that the earliest settlements were made in the valleys rather than on the hills ;[2] but there was no sign of that concentration of artisans in congested areas which accompanied the development of the textile industries at the end of the century, and which was indicative of a population divorced from the soil and wholly dependent on its work in the shop or factory. Even the so-called " town " of Haslingden, which is so frequently mentioned in the registers, was a mere village of three or four streets, whose occupants were principally labourers, shopkeepers, and such craftsmen as carpenters, smiths, shoemakers, tailors and plumbers. It is significant that only a single weaver, one feltmaker and two clothiers are entered in the registers for 1722-24 as being resident there.[3]

It was in such rural districts as Sunnyfield, Heap Clough, Ravenshore, Lench, Edgeside, Cowpe and Dean, that the woollen workers practised their craft, either in a loft or in a loom-house attached to their farms ; and their personal possessions still included livestock and implements of husbandry along with the materials and instruments of manufacture. The equipment of John Haworth of Horncliffe, for instance, comprehended a pair of looms, four wheels, two pairs of cards, a twining mill and warping irons (?) " i' th' Lofts," and a plough, a harrow, two sleds, forks and spades, a horse and horse gear, two beasts and a calf " i' th' Barn."[4] The two looms possessed by this farmer-manufacturer probably indicate that he employed a son, a daughter, or a servant at weaving as well as himself in the intervals of farm work. That farm labourers filled up their time at the loom in the service of their masters is proved by a statement made upon oath before a Lancashire justice of the peace. In giving evidence as to his settlement, an applicant for poor relief said that he was born in Haslingden and at the age of sixteen went to live with a husbandman named Henry Ramsbottom of Tottington Upper End. After he had stayed with Ramsbottom a few weeks, he entered into an agreement to serve his master as a husbandman " or in any other employment that he should be put to." Ramsbottom on his part undertook to

[1] The figures indicate the numbers of men registered as engaged in the woollen industry in the different places. For Haslingden parish (the western half of the area) they are the numbers recorded in the registers for 1722-24, the earliest years in which occupations are given with sufficient frequency ; for Newchurch parish (the eastern half of the area) they are taken from the registers for 1705-7, the only years in the eighteenth century in which occupations are entered at all. Care has been taken as far as possible not to count the same name more than once.

[2] To fullers and dyers of course a good supply of water would be necessary.

[3] Newchurch, which at this time was probably the next largest village in the Forest had only three " websters " recorded in the registers for 1705-7.

[4] Inventory dated 1766, in the possession of Thos. Woodcock, Esq.

give his apprentice twenty shillings a year in addition to meat, drink, washing and lodging, and to teach him to weave woollen cloth.[1]

The greater landholders as well as the lesser farmers and labourers played their part in the production of cloth. Even those who were styled the "gentry" deemed it not beneath their dignity to engage in trade, or at least to put their sons to business. In the sixteenth century a younger brother of Oliver Birtwistle, gent., of Huncoat Hall, was one of the dealers from whom Dean Nowell bought cloth.[2] In the eighteenth century Thomas Holden of Todd Hall, Haslingden, was seeking an opening for his son in Wakefield, a premium of £200 being discussed in the negotiations for that object.[3] The Ormerods of Tunstead and the Ormerods of Pearsclough and Gambleside included in their families clothiers and piecemakers who were also owners and cultivators of farms.[4] Such facts as these bring home to us how thoroughly the woollen industry had permeated all ranks of the agrarian community.

The parish registers disclose another interesting fact with regard to the local manufacture. They give evidence of a specialisation of functions which we should naturally expect from an expanding trade. In the seventeenth century the woollen workers were weavers, clothiers and piecemakers, with women assisting as carders and spinners. Now, in addition there were combers, fullers, dyers, clothworkers and feltmakers; there were worsted weavers as well as woollen weavers; there were men who specialised in carding or in spinning, and there were others engaged in the subsidiary trades of card-setting and reed-making.[5] To these departments on the productive side must be

[1] "Examination of Thomas Coupe, weaver, touching his settlement," 3 April, 1758. Document in possession of Thos. Woodcock, Esq.

[2] *Towneley Nowell MS.*, 278, 279. [3] Raines MSS., XXXI, 249.

[4] *Ibid.*, 217-40. The executors of John Ormerod of Tunstead, gent., in 1757 sold a farm of 37½ acres, which he had occupied, for £1200, and two other farms of 10½ and 28 acres respectively, which he had sublet, for £1300. In a bail bond of 1749 John Ormerod is styled "clothier."

[5] Besides a great number of "weavers" and "clothiers" the following craftsmen appear:—

(*a*) Haslingden registers:—

1722. John Hoyle, searge weaver, Sunnefield.
John Emmet, serg weaver, Sonnefield.
1723. John Mather, felt maker, Churchhill.
Richard Rothwell, milner (1726, clothear), Coasa Head.
1724. James Schofield, cloathworker, Ravenshore.
1725. John Bertwistle, cardsetter, Haslingden.
1728. William Shelton, comer, Haslingden parish.
1729. Elnothon Lord, comer, Newchurch.
1730. James Matthews, cloathworker, Ravenshore.
1731. Benjamin Stead, comer, Haslingden parish.
John Hargreaves, comer, Haslingden parish.

For continuation of footnote, sse p. 181.

added the sorting and sale of wool by Haslingden staplers [1] and the marketing of cloth by local chapmen.[2] All these occupations are recorded in the first half of the eighteenth century, and they show that production was now being carried through to its final stages within the district. Rossendale industry was entering upon a stage when it was not merely subsidiary to an organisation centred elsewhere.

The methods of manufacture did not vary much from those which had hitherto been in use. In woollens (as distinct from worsteds), friezes and kerseys continued to be made, but to these came to be added blankets, bockings and mocks,[3] and ultimately flannels.[4] Cloths of greater widths were woven on looms which required two persons to manipulate them. John Kay exhibited his newly-patented fly shuttle (or wheel shuttle, as it was then called) in Rossendale in 1735, and the adoption of some of its improvements in the district led the inventor to institute legal proceedings against the local weavers. In 1737 he charged them with appropriating his fixed spool, but they asserted that this was an old invention and not Kay's at all. Three years later he sued another batch of Rossendale and Rochdale weavers and shuttle makers for imitating his patent shuttle ; they then replied that shuttles with wheels were used for woollen goods long before Kay's patent, and alleged that his shuttle was unworkable. It is far from clear whether they were actually using Kay's shuttle, but it seems likely that they were. It cannot, however, be assumed that it was taken up generally, and Newbigging preserves a tradition that it did not come into use in Rossendale until the following century, the weavers preferring a device called the " Bocking shuttle," which needed a weaver to stand on either side of the loom in order to propel it through the warp shed. This was probably the fixed spool shuttle referred to in the first dispute with Kay. Newbigging also describes a later improvement made by

1733. Thos. Wort, cloathworker, Shore.
Charles Hardman, reedmaker, Town.

(*b*) Newchurch registers :—

1705. James Houlden de Kerk, Carder.
Dennis Hargreaves de Waterhouse, Carder.
1706. Lettice Ashworth de Church, Carder.
Dennes Hargreaves de Dean, Carder.
Richard Nuttall de Accrehill, Carder.
John Taylour de Lench, Carder.
John Maden de Bacop, Spinner.
Mary Haworth de Edgeside, Spinner.
James Maden de Bacop, Spinner.
Jenet Butterworth de Bacop, Spinner.
1723. Henry Lord de Brandwood, Carder.

[1] *E.g.*, Richard Teasdale (1744) and Richard Lund (1765).

[2] Thomas Rothwell, Musbury (1727), George Hindle, Laneside (1743), Lawrence Rawstron, Parkhouse, Musbury (1744), James Ratcliffe, Grane (1749), George Picop, Ashenbottom (1752), were all chapmen in Haslingden parish.

[3] Newbigging, *Rossendale*, 211.

[4] Baines, *Directory*, I, 644.

the application of wheels to the shuttle, which by lessening the friction enabled a single weaver to manage the loom; the credit of this contrivance is attributed to John Maden of Bacup (1724-1809), otherwise distinguished as one of the pioneers of Methodism in the Valley.[1] The statements made in the Kay dispute suggest, however, that, even if it were not actually Kay's patent, the wheel shuttle was older than Maden, though he may have introduced some improvement which made it more generally acceptable, as in its earlier forms the weavers complained that it did not weave as good work as the old shuttle which needed two persons to each loom.[2]

A new departure was the erection of fulling mills. That at Hugh Mill, Brandwood, is the first to find mention in Rossendale records.[3] It was in existence in 1713, but soon after there were "clothworkers" at Ravenshore and a "milner" and "cloathear" at "Coasa Head" (? Causeway Head or End, near the source of Musbury Brook).[4] By about the middle of the century other fulling mills had been set up at Bridge End, Hutch Bank, Holden and Haslingden (? Paghouse).[5] At this time also a number of dyers had been established in the western valleys of the district, in Haslingden, at Hutch Bank, at Wood Lumb in Holden and in Grane.[6] From the parish registers it would seem

[1] Newbigging, *op. cit.*, 162-3, 208.

[2] For the information about Kay and the Rossendale weavers I am indebted to Miss J. de L. Mann, whose important researches into the early history of the inventions will be embodied in a forthcoming book. The Rossendale weavers, clothiers and shuttle makers whose names are mentioned in connection with the dispute were: James Rushton of Bridge End, Haslingden; Wm. Butterworth of Goodshaw; John Holt of Lench; Richard Pickup of Cowpe; Geo. Hargreaves of Rossendale Church; Abm. Tattersall of Edgeside, shuttlemaker; Edmund Ashworth of Whitewell Bottom; Abm. Foster and John Hamer of Bacup; John Lord of Tong; James Lord of Slack; Abm. Taylor of Clough Bottom: Jas. Hoyle of Parthouse; Thos. Rothwell of Meadowstead; and — Law of Rossendale, clothier.

[3] Records of the Palatinate of Lancaster, P.L. 6, 56/6. Mary Holt *v.* T. & J. Holt. The plaintiff was the widow of James Holt of Castleton, and said that her husband had died seised of (*inter alia*) "one Fullers Milne" at Hugh Milne within Brandwood.

[4] See above, p. 180, n. 5.

[5] The following cloth millers appear in the Haslingden Parish Registers:—

1744. Thos. Woolwork, Bridge End.
1752. Thos. Woolwork, Under Hutch Bank.
1755. John Hartley, Haslingden.
1756. Thos. Wallwork, Holden.
1763. Peter Haworth, Haslingden.
1776. James and John Barnes, Paghouse Mill.

[6] The names of the dyers recorded are:—

1749. Henry Rothwell, Grane.
1754. John Taylor, Under Hutch Bank.
1755. George Ormerod, Haslingden.
1757. Lawrence Ingham, near Hutch Bank.
Benjamin Boothman, Haslingden.
1761. Robert Hargreaves, Wood Lumb in Holden.
1766. Thomas Webster, Hutch Bank.

that dyeing and fulling were as yet separate undertakings, but subsequently they were often combined in a single establishment. The combination is exemplified in the case of a mill at Hutch Bank, which was repeatedly advertised to be let or sold during the latter half of the century. From the earliest announcement which has been discovered, the following extract is given as an indication of the equipment usual in shops of this character :—

> To be lett and entered upon immediately, A Good accustomed Dye-House, completely fitted up with Fats, and the usual Implements necessary for the carrying on of the Dying Trade, together with a Perching Mill, a Frizeing Mill, and an Indigo Mill turned by Water, and also a large Screw Press for the Purpose of Pressing Woollen Cloth and Shalloons.[1]

Another important feature was the development of the worsted manufacture. Half-worsteds in the form of bays persisted as a staple product. The baymakers of Rossendale felt themselves of sufficient consequence in 1746 to publish the following announcement in a Lancashire newspaper :—

> " This is to give notice that the baymakers in and about Rossendale, who have formerly frequented the Rochdale market, intend for the future to expose their goods for sale every Wednesday at Newchurch in Rossendale.
>
> " *N.B.*—The Forest of Rossendale manufactures and consumes a much larger quantity of the above-mentioned commodities than any other place of its extent in Lancashire." [2]

This particular form of worsted fabric was still important about 1770-75, for Baines, writing of Haslingden in 1824, stated that " little more than half a century ago the manufacturing part of the population was employed chiefly . . . in making baies and flannels." [3]

But full worsteds were also being produced. It will be remembered that the names of several woolcombers and serge-weavers are to be found in the registers of the parish of Haslingden within the first third of the century ; a fact which illustrates a change which was taking place throughout the woollen area of Lancashire and Yorkshire. Though the West Riding had had a worsted industry almost as early as East Anglia (its original home), it had almost abandoned the making of fabrics entirely of combed wool during the sixteenth and seventeenth centuries. Now, however, worsteds were being reintroduced there,[4]

[1] *Manchester Mercury*, 2 June, 1767. According to a later advertisement the dye-house contained " three boilers and two vats," and the premises included " 600 yards of Tenters " (*ibid.*, 8 April, 1783).

[2] *Whitworth's Manchester Magazine*, 22 July, 1746. [3] Baines, *Directory*, I, 644.

[4] Heaton, *op. cit.*, 264. Halifax became the chief centre in Yorkshire for shalloons and serges.

while Lancashire was adding them to its output. Burnley and Colne were well established as centres for the manufacture of calimancoes, shalloons, tammies and serges before 1750.[1] The latter town is mentioned in Defoe's *Description of a Tour through Britain*[2] as having a weekly market for shalloons in 1769; and it became so important a few years later as to have a Piece Hall which was frequented by serge-makers from Wharfedale and Airedale.[3] Rochdale, on the opposite side of the Forest had, according to Dr. Pococke, who visited the town in 1751, "a large manufacture of blankets, baies and shaloons."[4] The intervening district was doubtless playing its part in the new developments; and though the learned traveller was possibly not thinking specially of worsteds when he described Bacup as "a large village, where they have a great manufacture of woollen clothes which they send white to London,"[5] the Rossendale trade was, in 1777, considered to be of sufficient importance to have a representative on the Worsted Committee.[6] At a later date two manufacturers from Bacup were elected by a meeting of merchants and manufacturers held at Halifax to a body appointed to co-operate with the Worsted Committee in taking steps to prevent the illegal exportation of English yarn, which was considered to be a cause of depression in the English worsted trade at that time.[7]

Another branch of the textile industry carried on, which, if not strictly belonging to the worsted trade, was closely allied to it, was the knitting or weaving of stockings. Several persons engaged in it are named in the parish registers;[8] and the following advertisement, which appeared in the *Manchester Mercury* for 31 January, 1758, is interesting as evidence, not only of the existence of the trade, but of the equipment of a maker who carried out the whole process from the raw material to the finished article:—

> "For Sale, three messuage lands and Tenement, called the Lane Ends, . . . of the clear yearly value of £24, subject to a small Copyhold Rent, being Fine certain, at Edenfield, two

[1] James, *History of the Worsted Manufacture in England*, 292, 633.
[2] Vol. III, 281 (1769 ed.).
[3] James, *op. cit.*, 292.
[4] Pococke, *Travels through England*, I, 205.
[5] *Ibid.*
[6] This Committee, which was formed in 1777 by virtue of two Acts of Parliament for the purpose of checking false reeling and embezzlement of wool, and otherwise protecting the interests of employers, consisted of twenty-seven members, eighteen from Yorkshire and nine from Lancashire and Cheshire. Of these nine, Manchester and Cheshire elected three, Rochdale and Colne, with their neighbourhoods, two each, while Burnley and Rossendale each appointed one (James, *op. cit.*, 292-7).
[7] In 1801 (*ibid.*, 361).
[8] *E.g.*, 1740. Robert Chadwick, stocking weaver, Deardengate.
1750. John Blades, Knitter.
1767. John Hargreaves, stocking weaver, Town.

miles from Haslingden, where the woollen manufacture is greatly carried on.

"*N.B.*—At the same time and place will be exposed for sale two very good Stocking Frames, the one an eighteen, the other a twenty-four Frame, with a Twisting Mill, and all other Implements or Utensils proper for a Stocking Weaver."

Before the eighteenth century most of the raw material for the worsted goods made in the Forest was prepared outside, being either given out to spinners ready combed or supplied to weavers as warp; but, as combing had now become a regular occupation, a word or two may here be said as to the methods employed. The woolcombers were, of course, handworkers. Their combs were T-shaped implements with pointed metal teeth set at right angles to the broad end and arranged in parallel rows. The teeth were graduated in length, the outer row being the longest. After washing and oiling the raw wool, the operative charged each of a pair of combs by throwing a handful of material upon it and drawing the wool through the teeth repeatedly until it was all attached to them. The combs were next heated in a stove or comb-pot so as to make the fibres soft and pliable. One comb was then placed upon a peg fixed in a post called a "stock," and the other drawn across it again and again until the longer fibres were parallel, smooth and clear of short wool. These—"tops," as they were called—were removed as carefully as possible and drawn through a hole lined with bone into a sliver ready for spinning.[1] The short wool or noils remaining embedded in the comb heads were used for making blankets and coarse cloth.

Along with the enlargement of production and the separation of trades, Rossendale industry was undergoing changes in organisation. The connection between the local craftsmen and outside employers was not, however, broken. Rochdale masters still put out work in the district [2] and continued to do so for another hundred and fifty years. Indeed, Rossendale weavers were also employed by merchants of other centres. There were living till recently inhabitants of the Valley who could remember woollen piecers carrying their cloths from Waterfoot to Bury. Manchester dealers, too, found employment for the local woollen workers. In 1765 three Rossendale men were each fined £20 for buying from a weaver pieces of baize which he had been engaged to work up for a Richard Scholes of Manchester; [3] and the same (or

[1] For more detailed accounts of the implements and methods of hand-combing, see Burnley, *History of Wool and Wool-combing*, pp. 88-90; James, *History of the Worsted Manufacture*, p. 249 *et seq.*; Heaton, *op. cit.*, pp. 333-4.

[2] The Walmsleys, for example, employed Rossendale weavers. A draft will (1771) of Benjamin Walmsley bequeathed legacies to "his helpers in putting out at Haslingden and Goodshaw" (Mattley MSS., quoted by A. P. Wadsworth, *op. cit.*, 101).

[3] D. Halstead, *Annals of Haslingden.*

another) Richard Scholes was, in 1788, advertising in the *Manchester Mercury* for a putter-out to reside in Haslingden.[1]

Nevertheless, the specialisation of functions and the introduction of processes hitherto executed elsewhere tended to make the local industry less dependent on external arrangements. Resident woolstaplers were beginning to purchase fleeces, to sort wool and to distribute it to the neighbouring woolcombers and clothiers. As the raw material was worked up, there were now establishments at home in which the yarn or the fabric could be dyed, and the cloth could be milled, finished and dressed. Finally, there were chapmen living in the locality, ready to take the finished goods and sell them to local customers or to merchants for more distant markets.

So far as can be ascertained, the woolstaplers of Haslingden were at first men of modest means, often combining their dealings in wool with trade in other commodities.[2] They were, in fact, chapmen, with woolstapling as part of their business. They may be contrasted with the bigger woolstaplers of Rochdale like the Hardmans, whose activities were confined to wool. The father of this family, Lawrence, though born at Greens near Bacup, started as a stapler in Rochdale. Besides purchasing fleeces from others, he reared sheep himself and "is said to have had Spotland literally covered with sheep for the purposes of his business." On his death he was succeeded by his two sons, John of Liverpool, and James of Rochdale, who developed an extensive foreign trade which they carried on in their own ships.[3] Later, however, Rossendale itself possessed dealers of a more specialised type, of whom the Whitakers of Haslingden, before they turned to cotton, may be taken as an illustration. They purchased largely from neighbouring counties, making annual excursions to sheep-rearing districts like Westmorland and Cumberland, and contracting with farmers for their whole year's clip.[4]

On the productive side, a typical clothier, who superintended all the processes from carding and spinning to dyeing and finishing, is seen in the person of James Anderton, who lived at Hutch Bank. A few papers relative to his affairs have been preserved, and the following details selected from them throw interesting light on the somewhat comprehensive nature of his business.[5]

[1] 23 September, 1788.

[2] Richard Teasdale is described in the Haslingden Parish Register variously as a wool-stapler, chapman and tradesman. Later (1843) a James Hindle of Haslingden was styled "woolstapler and grocer" in Slater's *Directory of Manchester and Salford*.

[3] Newbigging, *op. cit.*, 209-10.

[4] Information supplied by Mr. R. Kidd Whitaker of Accrington.

[5] I am indebted to the courtesy of Major D. Halstead, of the firm of Messrs. Anderton & Halstead, Haslingden, for permission to use these accounts.

(1)

19 Sepr 1769.

Mr. James Anderton

Bought of John Vavasour.

	£	s.	d.
1 Pack & 39pd Supr fine Wool £9 10 p. pk.	11	0	10½
1 Pack more Noyles . . . . . at	5	17	6
	16	18	4½

(2)

26 Mar. 1770

Mr. James Anderton

Bought of John Vavasour & Co.

	£	s.	d.
2 Packs Fine Wool at £9 5s.	18	10	0
120 pd over weight	4	12	6
2 Packs more £7 10s.	15	0	0
1 Pack more at	8	5	0
60 pound overweight	2	1	3
	48	8	9

(3)

Tenters Febr 23d 1775

Mr. Jas. Anderton

Bought of Roger Booth.

2 Pack of Wool No 787.648 at 9/2/6 p.	£18	5	0
1 No 78 260 lb. at 11 £ ppk	£11	0	0

John Vavasour was a woolstapler of Rochdale, while Roger Booth was one of a long line of merchants of the same name belonging to Bury. Thus, in these documents we see James Anderton purchasing raw wool of different qualities from neighbouring towns. The best wool would be used for bays or worsteds, while the noils would be carded and made into coarse cloth. What happened to the material thereafter may be surmised from the next accounts :—

(4)

Mr James anderton

Dr to Ben. Boothman

June 26 1773	to 12 pound of Listin Red	0	4	0
	to pleane Blu By thomos houldin at . . .	0	3	0
	to 2 peecis Dide Red at	0	12	0
augst 23	to one Blu frise and one green frise . .	1	1	0
septer 21	to 4 pound of woll Black and Brown at . .	0	1	0
	to throms [1] Black at	0	0	3
october 7	to 2 Blu frises at	1	1	0
		3	2	3

[1] Thrums were waste ends of wool or yarn.

(5)

Haslingden, July 12th 1775

M Robert Lowe

Bought of James Anderton

		£	s.	d.
1 peice of Blew Frise 32 yards	at	2	4	0
1 peice of Blewlist	at	1	14	0
Wrappers	at		1	0
		3	19	0

The Benjamin Boothman named in the fourth bill was a Haslingden dyer, and his account against Anderton shows the latter both purchasing dye from him and sending wool and cloth to him to be coloured. The next statement represents the clothier disposing of the finished cloth. From these data we may legitimately conclude that James Anderton was a master clothier, working partly, if not entirely, on his own account ;[1] that he purchased wool of various qualities for different classes of work ; that he gave out the raw material to be carded or combed, spun and woven by workers whom he employed either in his own shop or in their homes ; that he dyed the wool or the fabric himself or sent it to a dyer ; and that when the cloth had been fulled and finished he sold it to a dealer. It would seem, therefore, that the Rossendale clothiers were now conducting their businesses very much as the typical clothier of the West Riding had done from the fifteenth century,[2] and were beginning to take over the *rôle* which had hitherto been assumed by the men of Rochdale.

[1] The following note addressed to his son appears to indicate that he received work from another (a merchant ?) to be put out to weavers employed by him :—

" Walshaw, Octr 12th 1811

' John Anderton

" I have herewith sent you 3-74 warps and 4 wefts which I presume you will find to be good work and I request that you will weave it for me as soon as possible and in respect to wages I hope you will be as good as other regular Masters are giving.

" Your most respectfully Thos Pilkington."

[2] See Heaton, *The Yorkshire Woollen and Worsted Industries*, 91-2. The parallel in the case of Anderton, however, is not quite complete, for the subjoined memorandum makes it clear that his activities were not confined to the clothmaking trade, but that he combined therewith the business of a general dealer :—

(No date.)

Mary Hacking had of Jas. Anderton

To 5 Quarts Gin	0	6	10
To Guard (Gauze ?) from Manchr	0	15	3
To Cash	1	1	0
To Cash	0	10	6
To Gauce (?), Lace & Ribon	0	17	2
To 2 Quarts Gin	0	2	8
To Silk & Lin	0	17	2
To Goods from Manchr	1	13	6
To Coton thread	0	0	6
To Gauce & Lace	0	5	6
	6	10	1

Though Anderton belonged to the yeoman class, he does not appear to have been a farmer himself. John Ormerod of Chamber, on the other hand, seems to have united in his person the functions both of a farmer and an industrial *entrepreneur*. But, whether they cultivated land or not, both types of clothier invested in property as a means of saving. The Andertons acquired both land and cottages at Hutch Bank, while Ormerod became the owner of the three estates of Pearsclough, Hugh Edge, and Slack in Wolfenden.[1]

The greater number of the small cultivators were rather employees than undertakers, so far as their connection with the cloth manufacture was concerned. They worked on a commission system, receiving wool from a clothier or merchant and being paid for the piece. There are standing to-day many old farmhouses whose date-stones show that they were built at this time, and whose long weaver's windows testify to the part-time vocation of their earliest occupants. The weaving was usually carried on upstairs in a large room which served also as a bedroom. A good example of such a workroom " could be seen until recently at Meadowhead Farm, Crawshawbooth. This house was larger than most of the Rossendale farms: the downstairs portion consisted of three good-sized rooms, but with the exception of one bedroom the whole of the second story was taken up with the loft, which was lighted by three large windows. It was bare in the extreme, the walls being whitewashed, the roof unceiled and crossed by clumsy rough-hewn rafters." [2]

But an increasing number of those employed by the clothiers were cottagers. The second half of the eighteenth century saw the rise of a new section of the community, devoting itself almost entirely to domestic manufacture, and living in small groups of houses with little or no land attached. Attention has been called to the small number of woollen workers to be found in the " town " of Haslingden in 1722-24. During the decade 1741-50 the names of thirteen different cloth weavers and one stocking weaver (in addition to a number of labourers and other artisans) were entered in the parish registers as resident near the church, while ten more weavers and a woolcomber were living at Laneside. As the church and Laneside were the nuclei round which the present borough of Haslingden grew, we may possibly detect in these figures the beginning of a centralisation of the industry; but at any rate we may be sure that they represent a class of textile operative almost wholly, if not completely, divorced from agricultural employment. The cottages were usually let at two or three pounds per annum, or, if they had land attached, at a pound or two more according to the size of the plot. Their main room was a large living-room or kitchen, sometimes extending from the front to the back of

[1] Raines MSS., XXXI, 237-40. [2] *Bury Times*, 24 July, 1909.

the house and lighted by windows on opposite sides. In it would be one or two looms on which cloth was being woven while the usual domestic duties were going on.[1]

Both farm and cottage weavers, however, were sometimes employers themselves while working for a master. As in the seventeenth century, they employed servants or journeymen, or they taught apprentices. Several stereotyped forms of indentures have survived by which the parish authorities "put, placed and bound" destitute boys to local craftsmen.[2] In this way many a "poor child" received the benefits of a comfortable home as well as instruction in a trade. In some cases, however, the apprentices found the service of their master irksome and absconded. The newspapers of the time contain frequent notices requesting information about missing youths. The following advertisement is quoted as being of local interest :—

> Run away from his Apprenticeship, December 24, 1766, and was never since heard of, A Boy, about Twelve Years of Age, *John Davies* by Name, small Size, black Complexion'd, had on when he went, a grey Waistcoat, Leather Breeches, and grey Stockings. Whoever can give any Intelligence of the said Boy to *Luke Collinge*, in *Oaknedwood*, near *Haslingden*, *Lancashire*, or to *Sicilie Davies*, at *Namptwich*, in *Cheshire*, his Mother, or to the Printer of this Paper, where he may be found, shall be well rewarded, besides all Costs and Charges.
>
> *Note*, the said Boy was seen the same evening between *Bury* and *Manchester*.[3]

While the organisation of the productive processes was thus becoming more specialised and complete, there is little evidence that the woollen trade of Rossendale had succeeded in usurping from Rochdale the machinery for disposing of its products direct in distant markets. There were, indeed, encroachments, as the presence of resident chapmen testifies. But until the end of the eighteenth century there were no big merchants in the locality, and most of the manufactured goods

[1] An agreement drawn up in 1784 between a Newchurch cottager and his creditor illustrates the domestic equipment of this class of weaver. Having apparently got into arrears of rent, the weaver "bargained, sold and delivered" all his household goods to his landlord, who agreed to let him have the cottage and furniture for a monthly payment of 2s. 3d. A schedule attached to the agreement showed that the man's effects amounted to £7 13s. 4d., a clock and case worth £2 being the most valuable article. Besides a couple of beds and bedding (£1 10s.), a "Coach Chear and quishon" (£1), four chairs (4s.), stools, boards and various domestic utensils, there were "1 pair of Looms and gears, £1 ; 2 pair of cards, 8s. ; and 2 spining wheels, 8s." (Document kindly lent me by Thos. Woodcock, Esq.).

[2] A copy of one is to be seen in the Rawtenstall Public Library.

[3] *Manchester Mercury*, 2 June, 1767. It would seem that girls were similarly bound. Witness the following entry in the Haslingden register of burials for 1742. "Susanna Bridge, an apprentice girl, Haslingden" (died November 21).

not intended for home consumption reached their destination through the instrumentality of Rochdale dealers. The credit relations between the latter and the local producers is illustrated in numerous bankruptcy proceedings. Thus, in 1747, a John Ormerod of Huttock End was made one of the assignees of Andrew Holden, a Rochdale merchant to whom he had supplied woollen cloths.[1] Eight years later John Lord of Greens, near Bacup, was one of the thirty-two creditors of James Haslam of Falinge Hall, who failed for £2658 ;[2] and in 1768 at least two other Rossendale clothiers were involved in the liquidation of the liabilities of Samuel and Richard Bamford who had traded as partners in Rochdale and London.[3] Allusion has been made to the attempt of the baymakers of the Valley to set up a market at Newchurch, which would render them independent of the Rochdale merchants.[4] Whether such an institution was ever established there seem to be no means of discovering ; but the fact that fifty years afterwards Rossendale clothiers figured as subscribers to the erection of a Cloth Hall at Rochdale indicates that even if the Newchurch market came into being, its life was not of long duration.[5]

[1] Raines MSS., XXXVII B, 39-41.

[2] *Ibid.*, XIII, 472-6. Haslam owed Lord £14 9s. An interesting account of Haslam's affairs is given by A. P Wadsworth, *op. cit.*, 104-5. The same paper gives much valuable information as to the methods of the Rochdale merchant in the seventeenth and eighteenth centuries.

[3] Raines MSS., XXXI, 214. The Bamfords had had to borrow money " to supply their necessary occasions as partners in trade," and also to mortgage their lands. Being unable to pay their " debts bonds and contracts," they assigned their estate and effects to John Teasdale, Merchant ; John Clegg of Heights, Merchant ; and Laurence Ormerod of Green's Nook, Clothier.

[4] Above, p. 183.

[5] Their names were John Coupe of Carter Place, George Ormerod of Clough Fold and Robert Butterworth for James Hoyle, woollen manufacturer (of Bacup ?), near Rochdale. Each subscribed £21 to the " Articles for establishing the Cloth Hall in Rochdale, Oct. 30, 1792."

CHAPTER VII.

THE INTRODUCTION OF MACHINERY AND THE RISE OF THE COTTON MANUFACTURE.

Our story of the industrial evolution of Rossendale has brought us down to about the year 1780. It has exhibited a textile industry built up on the foundation of a smallholder economy and forming along with the pastoral farming the chief support of the population. The processes of manufacture have been mainly domestic, and the scale of production of individual enterprises has been small. The workaday life of the district now enters upon a new phase, ushered in by a series of inventions which both revolutionises the methods and vastly increases the output of industry. As a consequence the textile trade undergoes a gradual reorganisation until its structure assumes a totally different form, while at the same time the constitution of society is gradually resolved into more sharply defined social groups.

An essential part of the transformation was the introduction of a new material of manufacture. The new machinery for spinning and weaving was found to be more easily applied to cotton than to wool. This was partly owing to a difference in the nature of the fibres, but it was also due to the fact that the manufacture of cotton, being a comparatively new industry, was unfettered by traditions and the conservatism of workers whose methods were sanctioned by centuries of usage. Moreover, cotton fabrics had the advantage of cheapness as compared with woollens. During the period when the new devices were being brought out, the possibility of increasing the supply of raw material to meet the growing demand which they created was much greater in the case of the vegetable fibre than in the case of the other; for while there were unlimited areas across the seas capable of producing cotton and no jealous growers at home seeking to restrict its import, the supply of wool depended very largely on the English product, which could not be rapidly increased, especially at a time when the high prices caused by the continental war were making arable farming more profitable than sheep-rearing. It was not until the late 'twenties and the 'thirties of the nineteenth century that Australian

supplies came in to make up for the shortage of English fleeces, and by that time the cotton industry had already entrenched itself.

The effect produced by these causes was not quite the same in Rossendale as in the central and southern parts of Lancashire. There woollen textiles had already been superseded by linens, fustians and even pure cottons, before the era of machinery, so that it may with some justice be said that the new methods only accelerated and gave a particular direction to changes already begun. On the western slopes of the Pennines, between Colne and Rochdale, the woollen industry had hitherto more than held its own. It had now to face a competition to which it either wholly or partially succumbed, except in the immediate neighbourhood of the last-mentioned town. With regard to Rossendale, it will be our object, in concluding this survey, to estimate the degree in which the rival occupation had attained its supremacy by the middle of the nineteenth century.

1. The New Spinning Machinery.

Before we proceed, however, to trace the fortunes of the older manufacture and the advance of the new, it will be advisable to pass in review the principal inventions which were making an extensive cotton industry in this country possible. In 1748 a mechanical device for carding was patented by Lewis Paul of Birmingham. Though it embodied the principle which has been adopted in all the most important subsequent machines for that purpose, it did not come into common use until twenty or thirty years later when improvements had been made in its feeding and doffing arrangements. Meanwhile, about 1767, James Hargreaves of Blackburn had invented the hand jenny, which enabled the operator to spin as many as eight threads at once. When this machine was patented in 1770, the number of threads had been doubled, and the progressive increase in the number of spindles soon caused the hand machine in the cotton districts to be superseded by water power. In one form or the other, however, the jenny had, by 1790, come to be largely used throughout East Lancashire.[1]

Unfortunately, Hargreaves' invention was incapable of producing a cotton twist of the fineness and hardness necessary for warps,[2] and for this reason it was eventually superseded by the mule. But before Crompton's machine had been constructed, Arkwright had devised a method of spinning by rollers. His second patent, which was secured in 1775, included improvements invented by himself and others in carding, drawing and roving as well as in spinning, and it not only produced a firm thread suitable for warps, but had the further advantage over the jenny that it permitted spinning and winding to proceed

[1] Daniels, *The Early English Cotton Industry*, 124.
[2] *Ibid.*, 80 and n. 3.

simultaneously. Arkwright's claims were widely disputed, and he was involved in a series of lawsuits which resulted in his failure to maintain his monopoly. His loss was the national gain. An "astonishing extension" of the cotton manufacture followed.[1] Freedom to use his improvements meant both an unlimited supply of cotton yarn and the possibility of obtaining cotton warps at a much lower price than had hitherto been paid for linen, and the consequent cheapening of cotton fabrics resulted in a greatly increased demand for them.[2]

Meanwhile Samuel Crompton's mule had been made public in 1780. This was the most important development that had hitherto been worked out in the mechanics of spinning, and it not only combined the advantages of the jenny and the water-frame, but it produced a firmer and more even thread than had previously been possible.[3] It could spin warps as well as wefts, and, being particularly adapted for twisting warps for fine cottons or muslins, it was mainly instrumental in enabling Lancashire to capture the Indian market. In the early stages of its adoption it was worked by hand, and principally used in the country districts in the garrets and lofts of weavers' cottages. Where it was employed in factories, these were invariably small, and were manned by male spinners, as the mule required considerable skill on the part of the operative. A great incentive to its use was provided by the "Billy," a machine which, by combining the principles of the mule and the jenny, made carded cotton into rovings which could be used on any kind of machine.[4] Small spinners who owned mules were thereby enabled to compete with the larger millowners who had been able to set up Arkwright's more expensive machinery.

It was not long before water-power was applied to the driving of Crompton's wheel,[5] as it had recently been in the case of the jenny. Thereupon ensued an enlargement of the machine, a double mule capable of turning four hundred spindles being constructed by a Manchester mechanic named Wright. The increased utility thus demonstrated united with the finer quality of the yarn produced to make the superiority of the mule unquestioned, and mules began to replace jennies in the factories which were rising up on the banks of the numerous streams in the cotton area. But another source of power had by this time become available. Watt's steam engine, first patented in 1769, had been used for driving cotton machinery at Papplewick, Nottinghamshire, in 1775. Four years later it was introduced into Manchester, and by the beginning of the nineteenth century it had entered into serious rivalry with the water wheel.

[1] Baines, *Cotton Manufacture*, 193. [2] *Ibid.*, 183.
[3] Daniels, *op. cit.*, 117-8, quoting *Souvenir of Royal Visit to Bolton*, p. 21.
[4] Daniels, *op. cit.*, 123-4.
[5] The first to turn the mule by water was William Kelly, the manager of the New Lanark Mills, in 1790.

Perhaps these facts are sufficient to recall the transformation which was bringing into existence a new industrial régime. The great expansion of the Lancashire cotton trade could hardly have come about but for this remarkable series of inventions. Without them, it would have continued as a domestic industry in feeble competition with the superior skill of Eastern manufacturers. They did not, indeed, at once displace the domestic system, but engrafted on it a factory organisation which eventually superseded it. Hence, during the last thirty years of the eighteenth century we see the spinning of cotton yarn proceeding in cottage and factory almost side by side. But the old spinning wheel had been abandoned for the more efficient mule, rollers or jenny. Both the mule and the jenny could be turned by hand, and might be found in the homes of the spinners or in small factories. But in the larger mills which began to be driven by water or by steam in the last decade of the century, the jenny rapidly lost ground before its rival. Arkwright's rollers required power and therefore were unsuitable for domestic use, and in the factories where they were adopted the whole process from the opening and cleaning of the cotton to the spinning of the yarn was carried through. In addition, there had been established separate carding and roving mills which prepared the raw material for the small spinners.

2. The Beginnings of Factory Production in the Woollen Industry.

We may now go on to examine how far this remarkable series of inventions affected the woollen industry of the Forest during the half-century or so after 1780. The earliest process to be transferred from hand labour to power-driven machinery was carding. After the defective feeding and doffing arrangements of Lewis Paul's machine had been rectified, the new method soon rendered the old hand cards obsolete. It was equally suitable for cotton and for wool, but it is worthy of note that whereas it was generally adopted in the cotton industry before the woollen, in the Rossendale area it was applied to the carding of wool first, as, by the time it was introduced into the district, the cotton manufacture had scarcely gained a footing there.

The numerous streams from the moors provided many suitable sites for the erection of carding mills, and the landowners were not slow to see the possibilities of the district. If they were not disposed to set up engines themselves, they were eager to let or to sell their water rights to those who were.[1] Probably the first carding mill to be

[1] Thus two copyhold estates, called Haydocks, near Haslingden, were offered for sale in the *Manchester Mercury*, 21 October, 1784, with the special recommendation that " a stream of water runs through the Premises, with sufficient fall to run a number

worked in the locality was Flash Mill, Haslingden.[1] Before the end of the eighteenth century machine-carding was being executed also at the Woollen Engine, Rising Bridge,[2] said to be the later Lower Mill, Baxenden, and at Boarsgrave, Brandwood.[3] After this the number of carding mills increased rapidly. New buildings were erected and old ones converted. Parts of the old corn-mills at Rawtenstall and Boothfold were adapted for the new process.[4] By about 1825 there were, according to Newbigging, eleven mills engaged in carding wool in Bacup alone, while in the other parts of Rossendale Valley there were seventeen more.[5] If to these we add six as a moderate estimate of the number at work in the Haslingden district,[6] we have a total of about thirty-four carding mills established within a period of about fifty years. They were probably all of very small dimensions, their plant usually consisting of one or two carding engines and a devil ;[7] and in some cases when the water supply failed they were worked by horses called " gin-tits." [8]

Simultaneously with the establishment of these factories, there were accessions to the number of fulling mills and dyeworks. Besides those already named,[9] a fulling mill was in existence at Edgeside before

of Carding Engines or other Machines used in manufacturing Cotton, Woollen, etc." A similar advertisement appeared in the same newspaper on 27 May, 1788, offering a farm at Cowpe, which on account of a fine brook or watercourse, was stated to be " a very proper Place for erecting a Cotton or Woollen Engine therein." The Irwell provided many sites for the erection of water wheels, and owners eager to let them vied with each other in their descriptions of the waterfalls which their estates contained. A fall at Newhallhey was said to be " upwards of 23 feet," another at Fall Barn, 24 feet, while a third at Lumb Hall was stated to possess " power sufficient to turn the largest Machinery."

[1] This mill was run by James Anderton, whose business as a clothier has been described above, pp. 186-8. The date of the erection of Flash Mill is not known, but it was probably after the time to which the accounts above quoted refer.

[2] Advertised to be let, *Blackburn Mail*, 22 December, 1796.

[3] Advertised in *Wheeler's Manchester Chronicle*, 3 October, 1795. This, however, may have been a mill for cotton carding. Two others which may belong to this period were Holden Mill (H. Stephenson, *op. cit.*) and a small one at Clough Bottom, whose site is now covered by a reservoir (*Bury Times*, 31 July, 1909), though I have not been able to find satisfactory evidence of their existence at this early date.

[4] Before 1815, when both mills, with their carding machinery, were advertised to be let (*Manchester Mercury*, 12 September, 1815).

[5] Newbigging, *Rossendale*, 209.

[6] The names of Paghouse, Holme, Flash, Snighole (Lower), Lumb and Hardsough Mills are given in Baines' *Directory* of 1824 and Pigot's *New Commercial Directory of Cheshire, Derbyshire and Lancashire*, 1828.

[7] The Woollen Engine at Rising Bridge, for example, had two carding engines, two " tumming engines " and one devil.

[8] *Bury Times*, 31 July, 1909.

[9] Above, p. 182. The mill at Bridge End was offered for sale in 1802, and the notice referring to it illustrates the equipment and size of such undertakings in those days. It had " large water wheels, two stocks for fulling cloth, one perching gig, six seams of tenters in the dry-house, and twelve seams of tenters in the fields," which were 5 a. 3 r. 3 p. (statute measure) in area (*Manchester Mercury*, 4 May, 1802).

1812,[1] and at least three others had been built before 1818, namely, Baltic, Holt and Shawclough.[2] By 1825 fulling was also carried on at Cams Mill and Turner's Mill on the Ogden, Midgehole and Sunnybank on the Alden, Nunhills, Newhallhey and Holme on the Irwell, and at Cowpe Mill, Boarsgrave.[3] Some of these establishments had dyehouses attached, for example, Cowpe Mill and Turner's flannel-making factory,[4] but a number of separate dyehouses had also been set up, for Baines's *Directory* for 1824-25 specifies four dyers in Haslingden,[5] one at Boothfold [6] and two in Bacup.[7]

Whether there was any connection between the increase in the number of these works and the erection of carding machinery, we may only conjecture, but it is probable that machine-carding, by greatly diminishing the labour and cost of preparing the raw material for the spindle, contributed to an increase in the production of cloth. Had power-driven machinery been applied to spinning as quickly as it had been to the earlier process, the woollen industry would have withstood more successfully the encroachments of cotton. Both spinning mules and jennies, however, which had come to be extensively used in making cotton yarn, were much later in finding general acceptance in the woollen districts of both Yorkshire and Lancashire; and the jenny when adopted was seldom worked by power. Machine-spun woollen yarn at first was very rough and hairy, so that it was much more difficult to weave than the twist made by hand;[8] and though the invention of the false reed or slay about 1800 did much to remedy this defect,[9] woollen weavers for the most part continued for a long time to prefer hand-spun yarn. In fact, it is said that even as late as the 'fifties of the last century many of the farmer-weavers in Rossendale still spun wool on hand-jennies.[10] It is not surprising, therefore, to find that woollen spinning mills were comparatively rare

[1] Announcement of sale, *Manchester Mercury*, 21 April, 1812.

[2] George Schofield, fulling miller, Baltic Mill; David Ashworth, woollen manufacturer, Holt Mill; Holt and Tweedale, woollen manufacturers, Shawclough (*Lancs. General Directory*, 1818).

[3] Baines, *Directory*. Cowpe Mill was apparently shared by Messrs. Livesey and Ashworth and Messrs. Thos. Livesey & Sons. In 1835 the latter firm was bankrupt, and the moiety of a "fulling and carding mill" and of a "large dyehouse," as well as the entirety of another dyehouse, at Boarsgrave, were advertised for sale (*Manchester Guardian*, 21 November, 1835).

[4] Pigot & Sons' *New Commercial Directory of Cheshire, Derby and Lancashire*, 1828.

[5] Jonathan Hall, Hutch Bank; Robert Isherwood, Lower Lane; William Longworth, Hindle Street; Samuel Maxwell, Pleasant Street.

[6] John Mellor, dyer, woollen manufacturer and tinplate worker, Bridge End.

[7] James Howorth and Thomas Starkie, Church Street.

[8] James, *History of the Worsted Manufacture in England* (1857), 355. The loose hairs of the machine yarn had to be singed off by means of candles whilst the warp was being wound on the loom beam.

[9] *Ibid.*, 355-6.

[10] *Bury Times*, 7 August, 1909.

in Rossendale. Possibly there were not more than two before 1830: Hareholme Mill on the Irwell between Bacup and Rawtenstall, run by Messrs. Dockray & Co., Quakers of Lancaster, and Laund Mill in Rawtenstall, worked by a Richard Booth.[1] Both produced warps for worsteds. The former earned a wide reputation for the excellence of its yarn, and is mentioned by James [2] as one of the principal worsted mills in existence at the beginning of the nineteenth century. It was built in 1798 by Messrs. Edmondson, of Mytholmroyd, on land that had been leased for sixty years, and was let to the Dockrays, who imported spinners from Lancaster to work in it. The yarn produced was not only used in the immediate neighbourhood, but regularly bought for the Yorkshire manufacturers by agents or basketeers, who conveyed their purchases over Rowley Moor in baskets slung across the backs of ponies or Shetland gals.[3]

Except, then, in the preliminary operations of devilling and carding and in the spinning of worsted warps, the invention of textile machinery did not greatly modify the methods by which woollen fabrics were produced. Most of the yarn was still spun at home, and all the warps, including those made in factories, were sized at home [4] before being placed in the domestic loom. Weaving, too, was done in the old-fashioned way. The fly shuttle had not yet been extensively applied to the loom, though since the invention of the drop-box it had been widely adopted in making cotton cloth. No doubt prejudice and the innate conservatism of the yeomen were partly responsible for the retention of the old machine. A more comprehensible reason, however, is seen in the fact that the advantages of Kay's invention were not very apparent where hand-spun yarn was used. As we have seen, the latter was long preferred by the hand-loom weaver, and being much broken it necessitated frequent stoppages for taking up the threads during the weaving process.[5] It was only when machine-spinning had been sufficiently perfected to produce satisfactory yarn for the woollen weaver that the superiority of the fly shuttle over the older and more cumbrous mechanism was recognised. It is a curious fact to note in relation to the woollen manufacture, that, while the defects of the mill-spun yarn, by rendering it unsuitable for weaving, delayed the intro-

[1] Pigot & Co's. *National Commercial Directory* records a worsted spinner, Andrew Aspden, in 1834 at Holt Mill, which had previously produced bockings, baizes, etc., and now seems to have set up spinning plants for both cotton and wool. The machinery of Laund Mill was sold in 1826 by the order of Booth's assignees. It included two slubbing frames, eight throstles, two of 48 spindles, four of 112 spindles, and two of 128 spindles, three warping mills, a twisting frame of 40 spindles, winding and roving frames and 63 pairs of combs (*Manchester Guardian*, 5 August, 1826).

[2] *Op. cit.*, 355 n. [3] Newbigging, *op. cit.*, 212.

[4] According to Newbigging, long festoons of sized warps stretched out to dry on frames fixed to the stone fences were a common sight around the moorland farms in the early nineteenth century (*ibid.*, 210-11).

[5] James, *op. cit.*, 356.

duction of spinning machinery, the shortcomings of the hand-spun thread retarded the adoption of improved machinery for weaving.

If, however, the factory system made no great progress in the industry before 1830, considerable advances were made in the scale of production. For the close of the eighteenth and the opening years of the nineteenth centuries saw the rise in the Forest of a number of capitalists whose undertakings approached more nearly in size those of the merchant clothiers of Rochdale. The development was noted by contemporary writers. Aikin, in his *Description of the Country Round Manchester*,[1] remarked that whereas about 1750 the people of the town and hamlets of Haslingden had been "chiefly employed by monied men at Rochdale," at the time when he wrote (1795) the trade was "supported by capitals acquired on the spot by the industry and enterprising spirit of the manufacturers;" and Baines pointed to a similar contrast in reference to the two towns between 1775 and 1825.[2]

These masters of the greater sort were, as a rule, proprietors of carding and fulling mills, putting out their carded wool and yarn to be spun and woven by domestic workers, and finishing the cloths on their own premises. The number of hands they employed varied greatly. One Rossendale manufacturer, giving evidence before a Parliamentary Committee in 1812, stated that he had normally about a hundred people working for him, and produced sixty pieces of bocking per week.[3] Another, who made flannels at Helmshore, said that the hands in his employment in ordinary times numbered 2000. If his statement was true, his output must have been about 1000 or 1200 pieces a week. He had at that time a stock of 15,000 pieces, worth about £50,000, which he was unable to dispose of owing to the interruption in foreign trade caused by the Orders in Council.[4] Both witnesses manufactured for the American market. The latter stated that half of his production was sent thither. The former said that three-quarters of his output went to America, and of this he exported about a half himself, while the other half he sold to merchants in Liverpool.[5]

The direct connection between the more important of the local producers and foreign markets is one of the most interesting features of this stage of the industry. Probably the pioneers in this development were Messrs. Peter Heyworth & Sons, of Bacup. Until 1805 most of their goods had been sent to south-western Europe by middlemen,

[1] P. 276. [2] *Directory*, I, 644.

[3] *Minutes of Evidence on Petitions relating to the Orders in Council*, 1812, 209-10 (evidence of Henry Hoyle).

[4] *Ibid.*, 478-9 (evidence of Richard Turner).

[5] He also believed that Rossendale manufacturers had sent goods to Germany and the Peninsula.

but in that year the youngest member of the firm volunteered to go out to Portugal as their agent. There he formed valuable associations with a number of Spanish and Portuguese houses. Three years later he and an elder brother established a commission house at Rio de Janeiro, which proved so successful that they found it necessary to set up a shipping and commission agency at Liverpool. The extensive business which they transacted not only for their own firm, but for other houses in Lancashire and Yorkshire, resulted in the establishment of branches in all the largest centres of South America.[1] The example thus set was followed by other manufacturers. The Ashworths of Cowpe Mill in the early 'thirties of last century, while purchasing raw wool from Rochdale, began to market their finished goods independently, chiefly in Ireland and South America.

Below these merchant-manufacturers there were, of course, varying grades of smaller employers, whose output might be anything up to a few score pieces a week. Nor were all the owners of mills manufacturers in the sense that they controlled all the processes of cloth-making: many confined themselves to the execution of orders given by other masters. Some fullers and carders even divided their time between the management of their mills and farming,[2] supplying an interesting variant of that combination of industry and agrarian pursuits which was so characteristic a feature of the economic life of the district for three centuries.

As to the domestic workers who still formed the main part of the employee class, we may turn once more to the evidence given before the Parliamentary Committee above referred to. The information was supplied chiefly by Rochdale and Bury masters, but no doubt it is equally relevant to the employees of our own district. Adult spinners, who were usually women, received from 16s. to 20s. a week, but children were early set to work and could, at ten years of age, earn 5s. or 6s. Children were also taught to assist in weaving, beginning to wind at eight or ten, and getting 1s. or 1s. 6d. a week. At ten or twelve they started to weave themselves, and could soon earn half as much as an adult weaver; at fifteen, with a little superintendence, they could earn quite as much, say 8s. to 10s. It was said that in good times a cottager, his wife and a child could produce two pieces a week, for which they were paid 20s. or 21s.

Many small farmers, as well as cottagers, worked for the masters, but the expansion in trade created a greater demand for labour than the district could supply, and employers were constrained to advertise

[1] Newbigging, *op. cit.*, 181-4.

[2] *E.g.*, George Haworth of Holme Mill was a "woollen carder and farmer" (*Manchester Guardian*, 7 March, 1835); and the two fulling mills at Midgehole and Stake Lane (? Foundry Mill) had small farms attached (*Blackburn Standard*, 20 November, 1839).

for hands in the county press.[1] Consequently the number of landless artisans grew, and these were to be found chiefly congregated in the three centres of Haslingden, Newchurch and Bacup. Their two- and three-storeyed houses are still familiar to the residents of these towns. The third storeys, in particular, were furnished with long low windows, by which the weavers plied their looms. To this time, too, belongs the erection of several rows of three or four cottages with the attics left unpartitioned to form one large room in which a dozen hand-looms were employed, or which was used as a warehouse for sorting wool, or for distributing wool and yarn to the neighbouring spinners and weavers.

It will thus be apparent that in the early nineteenth century the woollen trade of Rossendale had attained a considerable measure of self-controlled organisation. Its progress to this stage must have been assisted by the greater production which the merely partial adoption of mechanical means made possible. But whatever the cause, its master manufacturers of varying degrees were producing and marketing their wares independently of external intervention. The growth of an overseas business was perhaps the most significant fact of this phase, but there were other signs that the control of the Rochdale merchants was weakening. It is said that at this time a flannel market was regularly held in Haslingden.[2] In addition, fairs for the sale of cloth, pedlary, and other commodities, were now being held two or three times a year at Newchurch [3] and Bacup,[4] as well as in the older town.[5] And if the Rossendale dealers did not wholly forsake the Rochdale market,[6] there is clear evidence that they were increasingly finding an outlet for their goods in the rising centre of the cotton trade. The Lancashire Directories show that the practice of visiting Manchester twice or thrice a week was as well established in the third decade of the century among the woollen as among the cotton manufacturers.

[1] Witness the following advertisement: "Two Flannel Weavers wanted immediately to weave in broad Looms. The best Wages that are at this Time generally given will be allowed, and constant Work found; as also some extraordinary Privileges worth the Weaver's Attention; besides every Utensil being found for the Performance of Weaving. For further particulars inquire of Matthew Cowpe at Flaxmoss, nr. Haslingden. None need apply but such as are of a sober and good Conduct" (*Blackburn Mail*, 4 November, 1795).

[2] In the square beside the old Black Dog Inn (the late Thos. Whitaker, J.P., in an article on "Haslingden in the Old Days," *Accrington Observer and Times*, 5 November, 1912).

[3] On 29 April and the first Monday after Midsummer Day (Baines, *Directory*, II, 637).

[4] On Whitsun Eve and the Saturday before 23 October (Pigot's *Directory*, 1824-25).

[5] On 8 May, 1 July and 10 October for "neat cattle, horses, sheep, cloth and different sorts of goods" (Dickson, *Agriculture of Lancashire*, 617).

[6] The trade reports in the Manchester newspapers of the 'thirties frequently mention "goods of the Rossendale manufacture" in the Rochdale market; *e.g. Manchester Guardian*, 7 March, 11 April, 2 May, 1835.

Nevertheless, it is manifest that the industry was nearing its zenith. After 1830-40 the number of names connected with it in the directories steadily diminishes. In its decline, as in its rise, the local woollen manufacture lagged behind that of other parts of Lancashire, though not so tardily. According to the census report of 1831, the production of woollen goods in the county was already "comparatively unimportant." The total number of men engaged in it was not more than about 2700, and the great majority of these were found in Rossendale, Rochdale and Bury.[1] The rising tide of the cotton industry had left but this small island not submerged. Yet even here it was gaining ground. By 1840 the new manufacture had clearly superseded the older as the staple trade of the Rossendale district. The map given at page 212 shows the predominance of cotton over woollen mills at that time, and though no figures can be given to show how the workers in the two branches of the textile industry compared in number, the fact that several mills were being converted from woollens to cotton is eloquent of the change that was taking place. At the same time, the methods and organisation of the older manufacture were undergoing further modifications under the influence of the rival trade. Steam- and water-driven machinery came to be more largely used, and the hand-loom of cottage and farm began to give place to the power-loom of the factory. It is necessary, therefore, at this juncture to turn aside in order to trace the advent of the new employment and the new methods.[2]

[1] *Abstract of Answers and Returns of Population*, 1831. Enumeration Abstract, Vol. I, 308-9. But Porter (*Progress of the Nation*, I, 196) estimated that there were in 1836 106 woollen factories in Lancashire, employing 3038 men and 2028 women.

[2] After the middle of the century and in the central portion of the Valley, the place of woollen textiles was to some extent taken by the felt and the slipper trades. It is said that felt-making was begun by Edward Rostron of Leeds at Myrtle Grove, Waterfoot, in 1854, and that within a few years of that date there were six firms engaged in the manufacture in the same neighbourhood (W. Hardman, *History of Waterfoot*, 34-5). In 1867 the local trade employed some 200 hands and produced a million yards of felt per annum (Newbigging, *Rossendale*, 214). Out of the felt industry developed the slipper manufacture. Employees in the felt warehouses in Rossendale (as in other places, *e.g.*, London, Leeds, and Paisley) were accustomed to make slippers for themselves from spare ends of felt in order to avoid damaging the material over which they had to walk for the purpose of matching the patterns. By a natural sequence they made similar articles for their families and friends, occasionally selling odd pairs. But the first maker to produce slippers in quantities for sale seems to have been J. W. Rothwell, who in 1874 began to obtain from his uncle, Henry Rothwell of Bridge End Felt Works, remnants of printed felt for uppers and saddle felt for soles, which he and his wife made up at home. His first order—for six dozen pairs at 9s. a pair—was given him by Thomas Field, a stall-holder in Shudehill market. In a few months he employed four women assistants. Later, after two short-lived attempts to carry on business on a larger scale in partnership with others, he became manager in succession to the firms of Mitchell Bros. and Hirst & Brooks. Meanwhile, in 1876, a Scotsman named McLerie, who was employed as a foreman fulling miller by Henry Rothwell, had also begun to make slippers in his spare time, and after the failure of his employer in 1877 devoted himself

3. The Rise of the Cotton Industry.

No exact date can be assigned to the introduction of the cotton trade into Rossendale. Newbigging thinks that no cotton goods were made there before 1770, and the earliest instance of the manufacture which he seems to have discovered is the making of " a kind of muslin or fine cotton lawn " in a small " factory " situated in Lanehead Lane, Bacup.[1] The Haslingden Parish Register, however, records a " cotten weaver " in 1722, and a " cheekweaver " (checkweaver ?) [2] in 1723, though too much importance must not be attached to these entries. In the first place, most of the so-called cotton goods made in England at that time were mixed fabrics in which linen warp was used, as no apparatus had yet been devised capable of spinning a cotton thread strong enough for warp. Nevertheless, the proved importation of cotton yarn (which might be used for warp) from abroad should caution us against denying the possibility of producing in this country a cloth entirely made of cotton.[3] Secondly, a perusal of the registers has failed to detect any other examples of cotton weavers before the nineteenth century ; though this cannot be taken to prove that no other earlier cases existed, as the entry of occupation is by no means systematic, and, even when it may be supposed that cotton workers were becoming common, cotton and woollen weavers are not distinguished. On the other hand, the fact that cotton operatives would be rare before the end of the century might be considered a reason for appending their special designation in the register. In the absence, however, of more direct evidence, Newbigging's estimate of the date of the introduction of the cotton industry into the district would seem to be justified. Certainly during the last quarter of the eighteenth century, we have in the local newspapers and directories abundant indications of its presence.

The late appearance of the cotton manufacture makes the illustration which Rossendale affords of the transition known as the Industrial Revolution peculiarly interesting. As we have seen, the Valley had in 1770 a woollen organisation which was well established and on the high road to a development of some importance. That organisation

entirely to this occupation. He was more successful as a business man than J. W. Rothwell, and before 1884 his domestic undertaking had so far expanded as to enable him to take over Holt Mill, which had previously been used for the manufacture of both woollen and cotton cloths. The business which he thus built up is now controlled by Sir H. W. Trickett, Ltd., a large firm which has developed from small beginnings at Carr Lane. Before the post-war " slump " there were twenty-five firms engaged in the Rossendale slipper trade, employing about 6000 persons (Hardman, *op. cit.*, 35-40).

[1] *Op. cit.*, 217.

[2] " Checks " were made of linen warps and cotton weft, one or both of which were dyed.

[3] On this point, see Daniels, *The Early English Cotton Industry*, 29 ; also pp. 8, 9 and 16, and the authorities there cited.

was now in part usurped by the new textile trade, which adapted it to its special conditions and ultimately completely recast it.

The muslin-making establishment at Lanehead Lane must have been a room or building equipped with hand-looms, as were the loom-shops which then occupied a place in the system of the woollen industry, and the cotton manufacturers whose names appear in the list of merchants attending the Manchester markets were probably either proprietors of similar undertakings or employers putting out warp and weft. Possibly they fulfilled both functions, as some manufacturers are known to have done early in the following century. The yarn was probably at first obtained from outside the Rossendale area, though it appears that in some cases the domestic weavers and their families performed all the processes of batting, carding, spinning and weaving. The weaver sized his own warp just as the woollen weaver did, though, instead of drying it in the open air, he stretched it on a frame and passed over it, backwards and forwards, a red hot iron bar called a "deeting iron."[1]

The domestic method of spinning could not have lasted long, for the much better yarn spun by machinery was already available. Indeed, spinning factories were at this time being set up in the Forest. The first is said to have been one erected by a Christopher Hargreaves at Laneside, Haslingden, about 1775.[2] Whether this factory produced yarn by hand-jennies or was driven by power is not known; but twenty years later Hargreaves entered into partnership with three Bacup cotton dealers, and the co-partners were to carry on the spinning and roving of cotton "at their joint engine or factory house."[3] Two other early instances of the use of steam were at Clough End, Haslingden,[4] and at Balladen, near Rawtenstall.[5] Both of them were started about 1790, and the former from the fact that it was built by a J. Wright, attorney-at-law, was locally known as the "Wright Engine." Most of the mills set up at this time, however, were run by water-power. Such was the case with Paghouse Mill, which appears to have been converted from the woollen manufacture,[6] and Duckworth Clough Mill in Haslingden, which was built about 1790.[7] By the end of the century

[1] Newbigging, *op. cit.*, 217. The frame was known as the "Deeting Frame."

[2] Henry Stephenson, "Old Haslingden" (*Haslingden Borough Year Book*, 1903). This was probably a hand-jenny factory. It is scarcely likely to have been driven by steam at this early date, and it does not seem to have been in a position to make use of water-power. If it was a steam factory, it is a very early example.

[3] Newbigging, *op. cit.*, 217-8, where the deed of partnership is quoted in full.

[4] H. Stephenson, *op. cit.* [5] *Bury Times*, 7 August, 1909.

[6] Robert Fell and George Maxwell, co-partners and cotton spinners of Paghouse Mill, failed in 1793, and their machinery and remainder of lease of factory and fall of water were offered for sale (*Manchester Mercury*, 9 April, 1793). H. Stephenson ("Old Haslingden") says that the old woollen mill was turned into a cotton mill shortly after 1775.

[7] H Stephenson, *op. cit.*.

there were seven or eight spinning factories at work on the banks of the Rossendale streams,[1] in addition to others that confined their operations to the carding of cotton.[2]

The preponderance of mills driven by water wheels is to be accounted for by the abundance of water-power ready to hand. The Irwell is fed by numerous tributaries which flow rapidly down from their sources in the moors, with the result that the main Rossendale Valley is joined by many smaller valleys or "cloughs." These cloughs offered advantages which for a time delayed the general use of steam, and the rivalry between coal and water probably lasted longer in Rossendale than in other parts of the cotton area. By way of illustrating this competition, it may be mentioned that a mill offered for sale at Ewood Bridge was recommended on account of the special facilities afforded by the Irwell, on which it stood, for a cotton spinner who would be able to "avoid the expense of putting and maintaining steam engines and providing coals at the present excessive prices."[3] The benefit of a swift current was so great that in some instances where steam engines had been installed, they were put to use only in dry weather.[4]

By about 1830 the number of spinning mills in the Haslingden and Rossendale district had been augmented to between forty and fifty,[5] and most of these were still either wholly or partially water-driven. Like most of the early woollen factories, they were of small dimensions. Two partnership deeds quoted by Newbigging give some idea of the small amount of capital necessary to commence business. The first relates to Laneside Factory, and has already been referred to. According to it, each of the four contracting parties was to bring into the concern only £25. The other deed, dated 1803, was in connection with

[1] Newbigging, *op. cit.*, 219, mentions Little Baltic Mill, established by James and William Clegg, near the junction of the Whitewell and the Irwell, at Waterfoot; the Old Soke Mill at Mill End in the Whitewell Valley; and an old mill at the corner of Burnley Road, Bacup. A spinning factory at Ewood Bridge, if not in existence in 1800, was certainly at work very soon afterwards. Tenders for the construction of a weir just above the bridge were advertised for in 1791 (*Manchester Mercury*, 26 July), and Major Halstead quotes an announcement of the sale of this mill in 1802 (*Annals of Haslingden*), but I have not been able to discover the source of his information.

[2] The earliest of these, "th' Degn Engine," was situated in Dean at the head of the Whitewell Valley. It belonged to the Pickups, ancestors of the present proprietors of Dean Mill (*Bury Times*, 31 July, 1909). Another possibly was at Brandwood and belonged to Edmund Turner, who in 1795 advertised the lease of the factory equipped with two carding engines, one teasing devil, and "a very substantial water-wheel" (*Wheeler's Manchester Chronicle*, 3 October, 1795).

[3] Advertisement, 1802, quoted by D. Halstead, *Annals of Haslingden*.

[4] A case in point was Thorn Mill on the Whitewell Brook at Water (*Bury Times*, 7 August, 1909).

[5] Of these, there were seventeen in the Haslingden or west Rossendale area, all mentioned in directories before 1830. Newbigging says that more than twenty-three were erected in the central and east Rossendale area between 1801 and 1830 (*op. cit.*, 222). These were, of course, additional to those which had been set up before 1801.

the joint management of a manufacturing as well as carding, roving and spinning enterprise by three Bacup men who were each to subscribe £100.[1] Possibly, however, these figures represent only nominal or minimum amounts, which were exceeded in practice; but we may supplement the documents by the more precise data which are to be derived from the sale announcements of one or two typical mills. A "factory and smithy" at Ewood Bridge was a building 25 yards long by 13 yards wide, and "four storeys high with attics." It contained 3000 throstle spindles and 900 mule spindles, besides carding engines and drawing, slubbing and roving frames.[2] Another factory at Broad Holden was a three-storeyed mill (exclusive of the attic) 30 yards long and 14 yards wide. Its equipment consisted of 7 devils or teazers, a willow and scutcher, 4 double carding engines, a roving billy of 148 spindles and another of 80 spindles, 6 mules ranging from 604 to 744 spindles, and 48 power looms. The motive power to drive this machinery was supplied by a large water wheel 9 feet wide and 27 feet in diameter and a steam engine of 20 horse-power.[3]

While the preparation of cotton yarn had thus been taking root as a factory industry, the weaving of cotton fabrics was establishing itself as a competitor for the skill of the hand-loom weaver. The number of domestic cotton weavers in Rossendale had been insignificant until the introduction of spinning machinery. Elsewhere the number of these artisans had increased so greatly that it was their demand for yarn which had provided the incentive to the invention of improved spinning appliances. The extension of the spinning trade was now creating a demand for weavers wherever yarn was being produced, and good wages were offered to those who could work up the new twist;[4] hence it is quite probable that hand-loom woollen workers were being attracted into the rival branch of the textile manufacture. In any case, there can be no question as to the increase in the number of cotton weavers in Rossendale from the beginning of the nineteenth century.

The organisation which found employment for them was modelled on the lines on which the woollen industry was at that time conducted. Some of the weavers were small independent men who bought their own warp and weft and took their manufactured pieces to the market. The majority, however, were employees. Amongst their masters were the so-called "spinners and manufacturers," who put out the yarn produced in their own "engine-houses" or spinning mills. Others were "manufacturers" only, purchasing yarn and engaging weavers

[1] Newbigging, *op. cit.*, 219. [2] *Manchester Mercury*, 14 March, 1815.
[3] *Blackburn Standard*, 6, 20 May, 1840.
[4] "An efficient good weaver" working six days a week might earn as much as 30s. a week, though most weavers earned less (*Minutes of Evidence on the Petitions relating to the Orders in Council*, 1812. Evidence of John Wood, of Bolton, p. 224).

who worked either at home or in loomshops.[1] Not infrequently the same master employed both "in" and "out" workers, after the manner adopted by William Radcliffe, of Stockport, in the early days of his career. The domestic weavers generally owned their looms, and partly no doubt for this reason they were considered somewhat superior to the shop-weavers; but they included in their ranks also the more highly skilled of the cotton operatives, the fancy goods and the better kinds of cloth coming from their homes. The shop or "factory" weavers were usually, though not always, journeymen working on the machines of their employers. A few, however, were independent, except for the accommodation for which they paid a rent, and even procured for themselves the yarn they wove.

The loomshops were of various descriptions and sizes. Some were nothing more than the living rooms of cottages, and the masters of these were scarcely to be distinguished from wage-earning weavers. Thomas Tattersall, who afterwards built a spinning mill at Paghouse, started in this humble fashion with two or three machines in one of the "Club Houses" in Pleasant Street, Haslingden;[2] and an old resident in the same town informed the writer that his father employed three or four weavers to work for him in the large kitchen of the house in which he lived, though he himself received warp and weft from the proprietor of a larger loomshop.[3] Another variety of loomshop consisted of the top storey of a row of cottages, as already described in connection with woollen weaving. Such a room usually contained from ten to twenty looms. The existence of a place of this description may often be detected to-day by the outside stone staircase at the gable end of the row; and a few, though not at work, may be seen as they appeared a century ago. The shop in Coal Hey, Haslingden, may be taken as typical. It has no ceiling, the rafters being left bare, and the walls, being coarsely plastered much as the exterior walls of moorland farms and outbuildings now are, present an ugly and cheerless appearance. A third type of weaving shop comprised old barns or buildings that had been used for other purposes; for example, the locally well-known establishment in Ratcliffe Fold, Haslingden, was converted

[1] Only those places in which the proprietor employed journeymen are here included in the term "loomshop," in contradistinction to those rooms (often similarly designated) in dwelling-houses or farms where the occupant and his family alone carried on weaving.

[2] *Haslingden Gazette*, 16 February, 1901; article entitled, "Haslingden of the Past: Reminiscences of a Nonagenarian." The Manchester directories show:—

1828 John and Thos. Tattersall, cotton mfrs., Pleasant St.
1843 Thos. Tattersall, cotton mfr., Pleasant Street.
1855 Thos. Tattersall, cotton spr. and mfr., Haslingden.
1858 Thos. Tattersall, c. spr. and mfr., Paghouse Mill.

[3] Information supplied by the late Mr. T. Barnes, *ætate* 83. His father was employed by the Watts of Coal Hey, and lived in Rake Foot.

from a calico-pencilling place to a loomshop weaving calicoes of a coarse description.

Altogether there were in 1830 probably no fewer than forty weaving shops in which handloom operatives were employed by cotton manufacturers in the Forest.[1] To the number of workers so engaged must be added many cottage and farm weavers who worked under conditions precisely similar to those of the domestic woollen weavers. The cottage weavers were found both in the larger villages and in scattered "folds" or hamlets. In many parts of the moorland valleys might be seen a farmhouse with one, two or three cottages in close proximity, each domicile having its loom or looms in one of the rooms or in a separate "loomshop." The district known as Haslingden Grane, on the slopes to the north of the Ogden Brook, had many groups of tenements of this kind,[2] whose occupants visited Haslingden regularly, carrying their cloths and returning with warp and weft on the backs of their donkeys.[3]

The materials made by the hand-loom operatives were usually of a coarse description. The heavy calicoes of Haslingden were noted by Dickson in his *General View of the Agriculture of Lancashire*, published in 1815.[4] One variety used for shirtings was known as "Bump" cotton, from which the loomshop situated in Ratcliffe Fold [5] derived its name, the "Bump Shop," [6] though the production of the fabric was not confined to this factory. The shop in Coal Hey produced also checks and ginghams and other patterned materials for which it earned a local reputation.[7]

When completed the goods were either taken to Manchester or sold in the vicinity. From the beginning the local industry, as throughout the cotton district generally, was largely dependent on the Manchester market. Even the smallest independent manufacturers found their way thither with their modest output. An old resident could remember one such master, whose sole manufacturing plant consisted of two or three looms in a cottage in Pleasant Street, Haslingden, carrying his pieces on his back all the way to the Manchester warehouses.[8] Sometimes, however, he used the stage coach, which was frequently

[1] According to Newbigging there were "at the lowest computation" thirty in the central and eastern parts of the Forest (*op. cit.*, 219).

[2] A number of these groups of tenements were offered for sale in 1827. See the descriptions given in Appendix Q, items 37-43.

[3] Many of the Grane weavers were employed by John Hargreaves of Well Meadow, Haslingden, who in addition owned two or three loom-shops in the town, *e.g.*, in Blackburn Road and in Wilkinson Street (information supplied by the late Mr. Henry Hargreaves, son of John Hargreaves).

[4] P. 625. [5] Where Trinity Baptist Sunday School now stands.

[6] *Haslingden Gazette*, 2 March, 1901. It was at that time run by a Samuel Lord, whose name appears in the *Lancs. General Directory* for 1818.

[7] Information supplied by the late Mr. T. Barnes (see above, p. 207, n. 3).

[8] "Reminiscences of a Nonagenarian," *Haslingden Gazette*, 2 March, 1901.

called the " Bump Coach," from the fact that its principal passengers were the small makers conveying their wares. The journeys of such men were somewhat irregular, being made only as they had pieces to sell. Manufacturers of greater consequence visited the Manchester market regularly on one or two days in the week, hiring for the display of their cloth a room in an inn or other central establishment.[1] Another method of marketing was by means of partnerships, one member of which was in permanent residence at the cotton centre looking after the commercial side of the joint enterprise, while the other managed the productive side in Rossendale.[2]

The local distribution was effected through the agency of mercers, chapmen and pedlars. The " Bump " calico and other local fabrics could always be obtained in the linen-drapers' shops of Haslingden, Rawtenstall, Newchurch and Bacup, but apart from these there existed organised arrangements for bringing the products of the mills and loomshops in the valleys to the lonely farmhouses on the moors and to the neighbouring towns. The system recalls the part played by the chapmen in the distribution of woollen cloths in the sixteenth and seventeenth centuries. For a similar type of trader found a place in the organisation of the cotton industry, but as a result of the different conditions which regulated the supply of the raw material, his functions were narrowed down to the sale of the manufactured article. Professor Daniels has demonstrated how important was the business of the petty chapmen as a link between the merchants and manufacturers of London, Manchester, Glasgow and other large centres, and the retail customers of the country districts at the end of the eighteenth century.[3] Until long past the middle of the nineteenth, " Travelling Scotchmen," as they were called, might be seen on a Monday morning setting out from Haslingden in all directions with packs on their backs and yardsticks in their hands. They covered the surrounding country within a radius of fifteen or twenty miles. Possibly at first they traded as pedlars on their own account, but during the 'fifties they were for the most part employed by a couple of master chapmen who each controlled the activities of about a dozen travellers. The relation between master and servant was one of commission, while that between hawker and

[1] The directories from 1790 onwards regularly contain names of Rossendale cotton and fustian manufacturers with indications of the days when, and sometimes the places where, they might be seen in Manchester.

[2] Thus the *Manchester Mercury* for 23 February, 1808, announced the bankruptcy of " James Moon of Manchester, and William Maymon of Haslingden, cotton manufacturers, dealers, chapmen and co-partners." The firm of Ratcliffe Brothers, " calico printers, dealers, chapmen and co-partners, carrying on business at Ewood Bridge and Manchester," consisted of four members: Thomas and John Ratcliffe lived at Ewood Bridge, James and Robert at Manchester (*Manchester Guardian*, 8 June, 1822).

[3] *The Early English Cotton Industry*, 63-5.

customer was one of credit, the various houses and farms being visited weekly for small payments.[1]

Side by side with, and to some extent ingrafted into, this semi-domestic, semi-factory framework of the cotton industry, there was gradually growing an organisation which was entirely dependent on its productive side upon capitalist enterprise. Just as the invention of spinning machinery had taken the production of yarn out of the hands of domestic workers, so the invention of the power-loom was beginning to replace the hand-loom operative by the mill hand. The change in the case of weaving was less rapid than that which had rendered the domestic spinner obsolete. The superiority of the water-frame and the mule, especially when the latter was driven by power, was so quickly apparent that the old-fashioned spinning-wheel could not long be a serious competitor; but it took nearly fifty years for the power-loom to make satisfactory headway against the hand machine it was intended to supplant. Cartwright's final patents were taken out in 1787, and though attempts were speedily made to turn his invention to commercial use, its advantage over the hand-loom was diminished by the necessity of stopping the machine frequently in order to dress the warps. In the early years of the nineteenth century this drawback was overcome by Johnson's invention of a dressing frame, which enabled the warp to be dressed as a whole before being placed in the loom; and the machine was further improved by the addition of a contrivance for taking up the cloth automatically instead of its being drawn forward by hand. Yet even then William Radcliffe of Stockport, who had secured the patents of these new appliances, failed two or three times in his efforts to make them commercially practicable.[2] About the same time other power-looms were brought out,[3] only to meet with similar difficulties in finding general acceptance. Considerable improvements were necessary, not only in the mechanism itself, but also in the method of warping and in the preparation of the weft for the shuttle, before the success of the new mode of weaving was assured. Even in 1815, after a number of large power-loom factories had been established in Scotland and England, it was still considered problematical whether the saving of labour gained outweighed the expense involved in setting up and maintaining the large establishment necessary for steam weaving.[4] In 1820 the number of power-looms at work in Great Britain was estimated to be not more than 14,150 as against

[1] *Haslingden Gazette*, 2 March, 1901; and information supplied by the late Mr. T. Barnes.

[2] Baines, *Cotton Manufacture*, 231-4.

[3] One patented in 1803 by H. Horrocks and another in 1806 by Peter Marsland, both Stockport manufacturers (*ibid.*, 234).

[4] Kennedy, "Rise and Progress of the Cotton Trade" (*Memoirs of the Literary and Philosophical Society of Manchester*, 2nd Series, Vol. III, 1819, p. 131).

240,000 hand-looms, and though after that date there was a great extension of steam-driven factories, it was believed that for the next fourteen or fifteen years the number of hand-looms simultaneously increased rather than diminished.[1] From the 'thirties, however, the power-machine made rapid progress. It began to take over the manufacture of muslins and other fine work, in which hand-labour had hitherto maintained its pre-eminence, while for speed and uniformity of texture in ordinary weaving it was unsurpassed. As a consequence the factory inspector for north-west England and North Wales was able to report in 1845 that during the ten years of his office the number of power-looms in his district had doubled, and that of the 142,950 in operation there, 138,720 were used in the cotton trade.[2]

The advance of the steam loom did not proceed at an equal pace in all districts. In some areas and for certain kinds of material the older machine held its own long after the middle of the century. In Haslingden and Rossendale both domestic and shop weaving survived till about 1880. The local spinning mills supplied the warp and weft, and some of the weavers still carried their pieces to Rochdale. But the power-loom began to make its appearance in the district certainly during the 'twenties. One of the earliest factories built for steam weaving was Rawtenstall Higher Mill. This was started in 1822,[3] but four years later at least four other cotton mills were weaving by power, namely, Longholme, Waterbarn, Rockcliffe (Hargreaves and Hardman's) and Irwell Springs, as well as three woollen factories.[4] All these mills suffered damage during the anti-power-loom riots which broke out in East Lancashire in 1826,[5] and this fact may possibly have retarded for a while the further adoption of the new machinery. Many new mills were erected during the next decade, but not all of them were equipped with a steam-weaving plant. After 1835 or 1836, however, scarcely a factory was started without its complement of power-looms,[6] and Rossendale began to take its share in the expansion which the Lancashire cotton trade was at that time enjoying.[7]

[1] Baines, *op. cit.*, 235, 237. [2] S. J. Chapman, *Lancs. Cotton Industry*, 29.

[3] *David Whitehead & Sons, Ltd.: History of the Firm.* Rawtenstall Higher Mill was built by Messrs. Thomas Whitehead & Bros., who had begun business in a small mill by the Balladen Brook. In 1822 they purchased an estate in Rawtenstall, erected a building and filled it "with machinery of throstles, mules, and preparation for the same, and power looms."

[4] These were Newhallhey, Holt and Helmshore Mills.

[5] *Manchester Guardian*, 29 April, 6 May, 1826.

[6] Wm. R. Greg, cotton manufacturer of Edenfield, stated before the Select Committee on Commerce, Manufactures and Shipping (1833), that he did not know any person who was then building a spinning mill without the addition of power-looms (Report, p. 677; quoted, Baines, *Cotton Manufacture*, 236).

[7] The rapidity with which steam engines were being installed all over the cotton area was one manifestation of this expansion. In 1838 it was reported that the number of horse-power erected since 1835 was 202 in the Bacup district, 160 in Haslingden and

The addition of improved devices for weaving to the now well-established spinning machinery gave an enormous impetus to the younger textile industry. The cheaper production of cotton fabrics led in some parts of the country to the entire supersession of the woollen manufacture, and in other parts to its recession to a position of second-rate importance.[1] Of these latter Rossendale is a notable example. Of about 130 mills which were at work in the district in 1844, less than one-third were connected with the older industry. There were at least eighty cotton spinning and weaving factories, besides ten calico-printing and bleaching works.[2] This predominance was achieved not only by the erection of new buildings, practically all of which were engaged in the making of cotton goods, but by the conversion of many old establishments, and by the adoption by others of cotton spinning and weaving as an adjunct to their former business. The Hareholme Mill, which, as we have seen, had hitherto played a conspicuous part in the local worsted trade, was converted to the cotton manufacture before 1844. By the same date, both the Holden Mill on the Swinnel and Lee Mill on the Irwell had also abandoned wool, while not long after Bridge End (Musbury), Duckworth Clough and Sunnybank Higher followed suit. Among those factories which added cotton goods to their former output may be noted Waterbarn, Holt and Holme Mills on the Irwell and Lumb Mill on Whitewell Brook, and in one or two instances [3] at least the pursuit of the double enterprise proved to be only a prelude to the complete transformation of the business.[4]

180 in Accrington, while engines totalling 209 h.p. were then in course of erection in the first locality, 16 in the second and 40 in the third. Among the cotton firms which had steam engines already installed or being installed were the following (the low horse-power indicated by the figures in brackets is to be noted): John Lord, Broadclough (52); James and Henry Maden, Greens (10); James Smith, Tong (30); Dawson & Co., Lower Mill, Bacup (20); Hoyle, Bacon & Co., Bacup (18); James Aitken, Bacup (30); Lord & Howorth, Rockcliffe (10); James Ormerod & Sons, Waterbarn (50—cotton and wool); Howorth & Whitehead, Dean (16); George Ashworth, Bridge End, Waterfoot (12); Richard Crawshaw, Crawshawbooth (20); Henry Sellers, Crawshawbooth (4); John Whitaker & Co., Rawtenstall (14); Thomas Whitehead & Bros., Rawtenstall (125). Stott & Smith's woollen factory at Sykeside (30) had also at this time adopted steam (*Reports from the Select Committee to Inquire into the Administration of the Relief of the Poor*, 48th Report, 11 July, 1838. App. No. 2, pp. 46, 56-9).

[1] The competition was severely felt even in Rochdale, the headquarters of the Lancashire woollen trade. In 1828 a flannel and baize manufacturer of that town told a committee of the House of Lords that calicoes and fustians had come "a very great deal into rivalry with woollens;" and he added, "we have latterly introduced a great deal of cotton with the woollen, making an article called dometts, and another article called domett baize, that has almost superseded woollen baizes" (*Report of the Select Committee of the House of Lords on the State of the British Wool Trade*, 1828. Minutes of Evidence, 263).

[2] See map facing this page.

[3] *Viz.*, Holme and Lumb Mills. Waterbarn, on the other hand, reverted to wool.

[4] Besides the owners of spinning factories there were also proprietors of loomshops who combined business in cotton and wool. John Holt, for example, had a shop near Deardengate in which he employed cotton, flannel and domett weavers (Lancashire Directories, 1818-28; *Haslingden Gazette*, 16 February, 1901).

The history of some of the prominent families in the textile industry also exemplifies the change which was coming over the industrial life of the district. Reference has been made, in connection with the early organisation of the woollen trade, to Lawrence Whitaker, the wool-stapler of Haslingden. His father, Lawrence, had also been a wool-stapler, but Lawrence the son, and his brother James, took up a cotton manufacturing business as well. It was in their time that the Holden Mill was converted from woollen carding to the spinning and weaving of cotton. Under the grandsons of the elder Lawrence, however, the two departments of the family concern were separated, some members of the family keeping to the woollen business, others devoting themselves to cotton. Ultimately the woollen branch expired, but the private firm of Lawrence Whitaker and Sons, cotton spinners and manufacturers, survived until 1878, when it was formed into a limited company.[1] The Madens of Bacup, who in 1839 built Throstle Mill (and subsequently owned Springholme and Lee Mills), also started as baize and bocking manufacturers and merchants.[2] An interesting case from a less well-known family is that of Henry Slater, who in the directories of 1834 figured as a worsted spinner at Laneside, Haslingden. Before 1839 he had built a cotton factory at Sykeside.[3]

The last-mentioned mill may be cited as illustrative of a distinctive feature which marked this phase in the development of the local cotton industry. Like most others started about the same time, it combined spinning and weaving under the same roof. It was a four- or five-storey building, with steam looms on the ground floor and throstles spinning coarse twist for warps in the middle storeys. The execution of weaving in the same building with the production of yarn, and not in separate sheds, was a common practice until after the middle of the century,[4] when (except in the waste trade) spinning began to be abandoned and the cotton masters in Rossendale confined themselves to the later processes of cloth manufacture. In another respect the Syke Mill may have been peculiar. It was furnished with hand-looms on the top storey, thus supplying an interesting episode in the transition from hand to machine production. But if hand- and steam-weaving were not often carried on in the same factory, it was by no means uncommon for the manufacturers to put out part of the yarn they spun, while at the same time feeding their own power-looms.

[1] Information supplied by R. K. Whitaker, Esq., solicitor, and descendant of the founder of the firm.

[2] See Baines, *Directory*, 1824-25.

[3] This mill was almost completely destroyed by a hurricane in 1839 (D. Halstead, *op. cit.*), but it was re-built.

[4] Another example is seen in the case of Broad Holden Mill at Grane, the site of which is now covered by Calf Hey Reservoir. The equipment of this mill in 1840 may be contrasted with that of Ewood Bridge Mill in 1815, which was not much smaller (see the advertisements quoted on p. 206).

4. Social Effects of the Introduction of Machinery.

The new process of weaving by power was welcomed by the hand-workers in Rossendale with no greater enthusiasm than it received elsewhere. In 1822 the merchants and woollen manufacturers of the Forest passed a series of resolutions condemning the new devices as unnecessary and as likely to lead to widespread destitution ; and they urged the imposition of a tax upon all power-looms set to work, the proceeds to be devoted to the relief of the poor.[1] A depression in trade which occurred three or four years later seemed to lend force to their arguments, and serious disturbances broke out all over the Hundred of Blackburn. It was computed that in Rossendale alone over 300 power looms were destroyed ; and several Haslingden operatives were killed in the notorious Chatterton Fight, in which the frantic demonstrations of the mob were checked by the military.[2] Severe distress was again felt in the late 'thirties and the early 'forties. Like the previous depression, it was by no means confined to the manufacturing districts ; but it unfortunately synchronised with and was intensified by an accelerated adoption of power-driven machinery, and led to risings known as the " Plug Riots." A mob gathered at Blackburn in 1842, and, proceeding through Haslingden and the Rossendale Valley, entered a number of mills, where they put the engines out of action by drawing out the boiler plugs.[3]

Such misguided violence is perhaps not to be wondered at when we realise that the hand-loom weavers, after the spell of abundant work and good wages which had resulted from the introduction of spinning machinery, now found themselves unemployed or their earnings reduced by a half. Nor is it surprising that whenever a period of bad trade set in they should, in their ignorance of the wider causes of unemployment, attribute their miseries solely to the innovations of their masters. Yet the distress of the hand-loom weavers does not seem to have been so great in Rossendale as in other parts of Lancashire. In the neighbouring region round Colne, Burnley and Padiham their poverty was peculiarly acute,[4] doubtless because the power-loom entered more seriously into competition with them in the production of the coarse calicoes which were the principal product of their loomshops. In Rossendale the rivalry of the steam-loom was less severely felt because that machine had not yet supplanted the hand-loom in the

[1] *Manchester Guardian*, 23 November, 1822 ; *Blackburn Mail*, 20 November, 1822.
[2] *Manchester Guardian*, 29 April, 1826 ; Newbigging, *Rossendale*, 239-43.
[3] Newbigging, *op. cit.*, 251-2.
[4] *First Report from the Commissioners of the Poor Laws*, 1834, App. A, 909 A ; *Report from the Select Committee on the Operation of the Poor Law Amendment Act*, 1838 (Minutes of Evidence, Q. 3298) ; W. Cooke Taylor, *Notes of a Tour through the Manufacturing Districts of Lancashire* (1842), 63-5 ; *Manchester Guardian*, 1837.

making of woollens and worsteds, which still provided employment for a large proportion of the weavers.

However real the personal sufferings of the displaced workers, the new machinery had come to stay, and the rapid growth of the population, together with the improvement in domestic comforts reported by competent observers, falsified in a wider view the gloomy forebodings of the hand-loom operatives. Between 1801 and 1851 the number of inhabitants in the Rossendale area trebled. The increase was most marked in Bacup and Rawtenstall, where it amounted to no less than 460 and 645 per cent. respectively. Of the five decades, that of 1841-51 was the one which showed the most remarkable growth, being contemporaneous with or immediately after the great increase in power-driven machinery which has been noted. In that period the population of Rawtenstall was enlarged by 45 per cent. and that of Bacup by 42 per cent.[1]

So rapid a multiplication could not have come about without a large influx of settlers from other parts. The demand for labour and the prospect of better wages in the cotton towns inevitably attracted workers from the poorly paid agricultural districts and from the less prosperous textile centres; hence from the middle of the eighteenth century there had been a steadily increasing migration into the cotton area.[2]

It has hitherto been supposed that the great increase of population in Lancashire during the period of the Industrial Revolution was mainly due to migration from the south of England; but Dr. Redford has recently shown that, apart from the natural growth of the native population, the expansion was chiefly caused by a steady drift from the surrounding counties and by waves of invasion from Ireland.[3] And Rossendale was no exception to the rule; for, according to the census of 1851, of 3881 persons over twenty years of age resident in the Haslingden registration district [4] and not born in Lancashire, 2601 came from counties within a 50-mile radius of Lancashire, while 873 came from Scotland and Ireland, and only 407 from other parts of Britain.[5]

The majority of the immigrants of non-Lancashire origin into

[1] A series of interesting articles on the growth and distribution of the population in Lancashire and Cheshire during the half-century will be found in the *Transactions of the Lancashire and Cheshire Historic Society*, IX-XII (1856-60).

[2] Between 1750 and 1801 the immigration into the Lancashire cotton district from all parts had been at the rate of 4000 annually; between 1800-11 at the rate of 4500; between 1811-21, 8800; and between 1821-31, 17,000. *First Annual Report of the Commissioners of the Poor Laws*, 1835, App. B, No. 11, p. 185.

[3] A. Redford, *Labour Migration in England*, 1800-50, Chap. IV.

[4] Including Haslingden, Rossendale and Accrington.

[5] *Transactions of the Lancashire and Cheshire Historic Society*, Vol. XI (1858-9), p. 66.

Rossendale seems to have come from Yorkshire and Ireland. The influx from Yorkshire was part of a drift which was felt all along the eastern fringe of Lancashire, Burnley, Blackburn and Rochdale, as well as Rossendale, all receiving a large proportion of their accessions from the neighbouring county. The Irish immigration was a sort of overflow from inundations which swept across the southern part of the county. During the 'twenties there was a rapid decline in the Irish cotton and woollen industries, caused by the competition of British steam-power ; and the absence of a Poor Law system, such as retarded the migration of workers from distressed districts in England, combined with the comparative ease of transport across the Irish Sea,[1] promoted a wholesale exodus of unemployed spinners and weavers, tens of thousands of whom found refuge in Lancashire. The potato famine of 1845-46 brought another swarm of Irish immigrants into the county. Though the majority of these refugees settled in Liverpool, Manchester and the neighbouring manufacturing towns, there were, in 1851, no fewer than 1163 Irish-born residents in the Rossendale and Accrington district.

At the same time, other parts of Britain contributed to the rapid growth of the Lancashire population. In Rossendale there were about 100 Scottish natives enumerated in 1851, about 50 persons from Wales, and about 200 from the eastern counties. It seems clear that the depression in the agricultural counties which followed the Napoleonic wars was responsible for an appreciable, though minor, movement into the manufacturing areas. The flow would doubtless have been more pronounced if it had not been checked by the system of outdoor relief, the difficulties of transport and the ignorance of the labourers. But the poor rates were becoming excessively burdensome, and the parish authorities urged applicants for relief to seek work in the developing industries of the north, while manufacturers invited labourers and children of both sexes to take employment with them. Unfortunately there was little co-operation between the supply and the demand. Numbers of immigrants flocked to the north without any organisation to direct and assist them. Frequently they left their homes without adequate funds to take them to their destination, and when they arrived in the manufacturing districts there were often no suitable arrangements for their reception. Ultimately the Poor Law Commissioners had to intervene to direct the flow of labour and to mitigate the evils which the unorganised migration entailed.

They sent a circular letter advising the Poor Law guardians as to the precautions which should be taken in moving paupers from their

[1] Different steamship companies competed with each other for the traffic, and the rates for the passage to Liverpool were reduced to a ridiculous figure. It is said that in 1827 the steam packets were bringing many immigrants across at 4d. and 5d. apiece (Redford, *op. cit.*, 81).

unions.[1] They appointed Migration Agents in Lancashire and Yorkshire. The official for Lancashire had his headquarters in Manchester, whence he visited the chief manufacturing centres of the county, inviting applications for labour and making arrangements for the transfer of individuals or families or parties of children.[2] In the case of families from rural counties the places chosen for settlement were not usually the big towns, but small towns and country districts like Haslingden and Rossendale, in which the children might obtain employment in factories, and in which their parents, unaccustomed to mill life, might be expected to find work more adapted to their capabilities.[3]

Batches of poor boys and girls were placed with manufacturers on a system of wholesale apprenticeship, which apparently was a great improvement on the iniquitous trafficking and slave-driving of children which had led to the first Factory Act of 1802. An agreement made by Messrs. W. & R. Turner, of Helmshore, for the engagement of a number of children from Bishop's Stortford Workhouse in Hertfordshire, may here be quoted as illustrative of the arrangements made for this type of labour. Eleven girls of ages varying from twelve to seventeen, and six boys from twelve to fourteen, were to be taken and employed till they were twenty-one. Their wages were to be 2s. 6d. a week at twelve years, rising by sixpence each year to a maximum of 6s. 6d. at twenty. The boys were to be accompanied by a man and his wife, and the girls by a matron or a married couple. The man in each case was to be employed as an agricultural labourer at about 10s. or 12s. a week. The woman's duty was to act as matron and look after "the children's comforts and morals," and presumably she was to recoup herself from the earnings of her charges. Further, the parish was required to send the children fully and decently clothed with a Sunday change, and to provide "the means of purchasing beds and bedding together with every useful article for their cottage."[4]

The experiment of assisted Poor Law migration, however, did not last long. A serious depression in trade, involving many Lancashire firms in bankruptcy, brought it to an end in May, 1837, after less than two years' trial. The reports received by the Migration Officer seem to imply that the scheme, while in operation, worked well. Some labourers and families wrote expressing their gratitude for the efforts made on their behalf and their contentment with the situations they had obtained; while a number of employers stated that they were well pleased with both the children and the adults placed with them.

[1] *Second Annual Report of the Poor Law Commissioners*, 1836, App. A, No. 2.
[2] *Ibid.*, App. B, No. 20.
[3] *Report from the Select Committee on the Operation of the Poor Law Amendment Act*, 1838 (Minutes of Evidence, I, 467).
[4] *Second Report of the Poor Law Commissioners*, 1836, App. B, No. 20.

James Aitkin of Bacup, another local master who engaged hands in this way, said that he had " no cause to complain " of them.[1] But there were obvious reasons for the satisfaction of the employers. Their acquisition of cheap labour was not likely to be welcomed by the native operatives, and led, not only to bitter controversy, but also, in some places, to serious friction.[2] Moreover, one would like to know what the imported children thought of their new surroundings.

After the failure of the scheme, many manufacturers on their own account began to offer inducements to labourers in the midland and eastern counties to settle in the Valley. In the early 'fifties, the Munns of Stacksteads and Newchurch sent agents to Middlesex, Cambridge, Norfolk, and even to Ireland to engage new hands. These, often with their families, were brought in batches of thirty or forty, lodged on the night of their arrival at a local inn, and then drafted to one or other of the mills which the Munns owned. A little later the firm of Joshua Hoyle & Sons adopted a similar practice, while the Deans of Syke Mill, Haslingden, received many workpeople from the midlands through an agent who acted independently and received a commission for his services. To accommodate the newcomers, many rows of cottages standing at the present time were built by the Munns, the Stotts, the Whitakers, and other mill proprietors.

In these ways, as well as by recruitment from the native population, the factories were manned, and a factory organisation was put well on the way towards dominating the industrial life of the people. A sharp cleavage was being created between the employing and the employed classes. The old order of the local society, with its almost imperceptible gradations of workers and masters, was passing away. Yeomen, indeed, of the old type survived : here and there might be found mill-owners who, like John Ratcliffe of Broad Holden, kept up their farms while engaging in manufacture. But their numbers were diminishing. The greater profitableness of industry, or the increasing demands upon their time which the management of a mill entailed, gradually withdrew them from agricultural pursuits. A new race of masters and a new social class came into being.

The evolution of this type of employer is not without its element of romance. As we pass in review the fragmentary details which may be gleaned of the fortunes of first one and then another member of the local yeomanry, we can piece together the whole process. First, the small farmer takes up weaving. He becomes a clothier, and, if he prospers, he conserves his gains by the acquisition of other small estates. Later, as industry becomes more elaborately organised, he builds a mill or sets up a loom-shop, and employs a number of journeymen who

[1] *Second Report of the Poor Law Commissioners*, 1836, App. B, No. 20.
[2] See Redford, *op. cit.*, 95-101, for a criticism of the scheme.

are entirely dependent on him. He calls himself a manufacturer; yet just as when he was a clothier, so now as mill owner, he retains his hold upon the land. He keeps his farm, perhaps, as a sort of anchorage from the dangerous sea of business speculation. He works both mill and farm together; but from being a farmer-weaver he becomes a farmer-capitalist, and thus prepares the way for his descendants, whose energies are solely devoted to industrial and commercial enterprise.

In their relations with their employees the local cotton masters were probably no better and no worse than the average factory owner of the time. Some, as we shall see presently, were of that benevolent disposition which characterised more famous leaders of industry like Robert Owen and Samuel Oldknow. Others there were, however, whom the race for wealth tempted to take advantage of the position which the control over the factors of production gave them. The Factory Inspectors' Reports of the middle decades of the nineteenth century give yearly evidence of wilful evasion of the Factory Laws and of a somewhat unfeeling exploitation of the workpeople. The starting before and working after legal hours, the employment of children under age, or without allowing them to attend school at ages when the Factory Act required them to do so, seem to have been common practices which the penalties imposed by the magistrates, who were too often themselves mill-owners, were too small to suppress. A more serious offence was the custom of compelling young children to clean the machinery while in motion, which in one case at least, at a mill in Accrington, led to a fatal result.[1]

Another form of exploitation was the truck system, which, according to a medical practitioner of Ramsbottom, prevailed in the majority of the mills in the district. Giving evidence before a Parliamentary Committee, he said that with the exception of the Ashtons at Ramsbottom, all the masters between Bury and Haslingden had "either shops close to their factories, or shops in the very houses themselves." In lieu of wages, the operatives were paid in food and clothing of every description, which were supplied to them at charges exceeding the ordinary market prices. Since the people were mostly too ignorant to keep any record themselves of the goods received, they fell into the way of getting what they wanted without counting the cost. Hence they were invariably permanent debtors to their masters and developed habits of recklessness and improvidence. The system was said to

[1] Report of Leonard Horner, 31 March, 1843. It was some slight compensation that the fines for breaches of the Factory Laws were devoted to a fund for the support of elementary schools. The National Schools of Musbury, Ewood Bridge, Rawtenstall, Crawshawbooth, Newchurch, Lumb, Tunstead and Bacup, and the British Schools at Bacup and Water, as well as other local institutions, all received grants from the fund, either towards the expense of building, or towards their equipment with desks, maps, slates and books.

encourage gambling among the women, who in order to have command of ready money would combine to subscribe a shilling or sixpence each and raffle for the whole amount. Though the employees were aware that truck shops were illegal, they dared not refuse to patronise them for fear of being dismissed and placed on the black books of the employers in the district.[1]

The sweeping condemnation of the Ramsbottom doctor must not, however, be accepted without a word said in explanation of the circumstances which sometimes made the provision of food to workpeople by their masters necessary. Mills were in some cases erected in valleys remote from any shopping centre. The print-works at Loveclough, for example, were so far removed from the nearest shop at Crawshawbooth that the operatives found it a convenience to be supplied by the owners. And in this case the practice does not appear to have been attended with the evils which made the system pernicious elsewhere. The employers are said to have purchased cattle from neighbouring farms, and to have slaughtered them for distribution among the workpeople at reasonable rates. In other cases the millowners provided cottages at rents which compared favourably with those of similar dwellings near by; and the doctor himself cited an instance in Ramsbottom in which the owners of a factory supplied houses and mutton and beef without reimbursing themselves by excessive deductions from wages.[2]

The autocratic temper of some of the cotton masters—and mistresses, for more than one individual of the gentler sex were proprietors of mills—is the subject of many anecdotes handed down by the sons and grandsons of those who worked for them. Command over the labour of a large number of hands, especially when reinforced by the ownership of property or the possession of magisterial authority, fostered a kind of petty despotism not unlike that of the traditional village squire. It extended its sway beyond the walls of the factory, interfering with the religious freedom or the personal habits of the workpeople. Within the mill it found expression in long lists of rules and an elaborate system of fines, which are of interest to-day as giving an insight into the minds of their authors and as affording a curious relic of a bygone régime. The following are a few extracts from a list posted in the mills of a Haslingden firm:—

> "Any person coming too late shall be fined as follows: for 5 minutes 2d., 10 minutes 4d., and 15 minutes 6d., etc."
>
> "For any Oil wasted or spilled on the floor, 2d. for each offence, besides paying the value of the oil."

[1] *Report of the Select Committee on the Payment of Wages*, 1842 (Minutes of Evidence, 96-106).

[2] *Ibid.*, 97. The firm (Ashtons) also advanced small loans to its employees without charging interest.

"Any person found from their usual place of work, except for necessary purposes, or Talking with any one out of their own Ally, will be fined 2d. for each offence."

"All persons in our employ shall serve Four Weeks' Notice before leaving their employ; but [the firm] shall and will turn any person off without notice being given."

"The masters would recommend that all their workpeople Wash themselves every morning, but they shall wash themselves at least twice every week, Monday Morning and Thursday Morning; and any found not washed will be fined 3d. for each offence."

A more pleasing, if less humorous, side of the character of the local industrial leader is seen in the genuine concern for the welfare of his subordinates which he sometimes displayed. The Turners of Helmshore, who if tradition lies not, could be very arbitrary on occasion, took a lively interest in the education of their child workers, and the school which they provided was commended in one of the Factory Inspector's reports.[1] The Whitehead Brothers of Rawtenstall were eulogised by Cooke Taylor for their solicitude in the same direction. The school attached to their factory, wrote this observer, "was one of the most elegant and convenient buildings I have ever seen devoted to the purposes of education: it was well ventilated, and furnished with the best apparatus for being lighted with gas and heated with warm water. It could not have cost less than a thousand pounds. The children pay twopence a week for instruction, but the expenses are defrayed by the benevolent proprietors, and the weekly stipend is allowed to accumulate as a reserve fund, to be paid back to each pupil at twenty-one years of age." The children were, he also said, "remarkably healthy, neat and intelligent," and spoke "with a politeness of demeanour and propriety of expression which could not be surpassed in much higher ranks of life." Their parents too were "happy and contented" in the service of the Whiteheads. The residences built for them at Hollymount were "not so much cottages as handsome houses consisting of four to six rooms, provided with every convenience for comfort and cleanliness." Every encouragement to thrift was given to the operatives. Most of the men were teetotallers and had invested considerable sums in the savings bank. "If the entire Forest," he added, "had been similar to Hollymount, it would have been an earthly paradise."[2]

The rosy picture from which we have just quoted probably describes

[1] The Report noted the school as one in which the educational provisions of the Act of 1832 "had been observed in the most efficient manner." Sixty-nine boys and 55 girls attended, paying 2d. each weekly, and were taught reading and writing (*Accounts and Papers*, Vol. XLII, 1839, p. 3).

[2] W. Cooke Taylor, *op. cit.* (1842), 58-60.

the conditions of the manufacturing population of Rossendale at its best; but the improvement in the standard of living during the first half of the nineteenth century was noted by other writers.[1] In spite of periods of bad trade, the general prosperity of the people increased so greatly that the district earned for itself the name of "the Golden Valley." Cooke Taylor, who apparently knew something of its history, was so impressed by the change which had been wrought that he was led to observe that the Forest was "probably the most interesting example of rapid improvement in England, and probably not surpassed even in the United States." [2]

5. Roads and Railways.

The introduction of machinery and the growth of the cotton manufacture were doubtless the prime cause of this prosperity, but they also led to developments which themselves contributed largely to the wealth of the Forest. First must be mentioned the construction of sound roads. The growing scale of production in the eighteenth century rendered the old pack-horse tracks totally inadequate, and the increasing volume of wheeled traffic made the condition of the roads deplorable in the extreme. The means of transit over the moorlands had never been good. The lower lands were marshy and the higher ground was either peaty or stony, so that a journey across the Forest was always a succession of sloughs and jolting rocks. When the inhabitants in the sixteenth century desired that their chapelry of ease at Newchurch should be raised to the dignity of a parish, they pleaded that the way leading from Rossendale to their parish church at Clitheroe was "very foule, painfull and Hillous." [3] In the eighteenth century, when John Wesley rode into Haslingden from Padiham, he complained that the roads "were sufficient to lame any horses, and shake any carriage in pieces," and he added that he would never attempt to travel them again until they were improved.[4] A travelling entertainer who visited the same town about 1800 gave an equally graphic description of his journey from Manchester. "I set off to walk," he said, "twenty miles over a mountainous country, and the roads so bad that it was literally wading in mud; and when I entered the town

[1] *E.g.*, Baines, *Directory*. Wm. Rothwell, in his *Report of the Agriculture of Lancashire* (1850), wrote that the morals and intelligence of the manufacturing operatives had much improved in the last forty years. He attributed the improvement to the work of Sunday Schools, National Schools, and other schools connected with the factory system (p. 127).

[2] *Op. cit.*, 48.

[3] Decree establishing Rossendale Chapel as a Parochial Chapel, 4 Edw. VI; Newbigging, *op. cit.*, 113-7.

[4] *Journal*, 22 April, 1788.

of Haslingden, I found myself so much fatigued that I ordered dinner at the principal inn and determined to proceed no further on foot." [1]

Such accounts as these, which can be paralleled by the testimony of travellers in all parts of the country, demonstrate how inadequate was the old method of road administration which threw the obligation of maintaining the highways on the individual parishes through which they passed, and from the beginning of the eighteenth century attempts were made to supplement the shortcomings of the old system by the creation of Turnpike Trusts. A number of persons of local standing would apply to Parliament for power to constitute themselves trustees of a specified piece or " district " of road, and to levy tolls on certain kinds of traffic for the purpose of " improving " or constructing and maintaining it. The desired authority was usually granted for a period of twenty-one years, but in almost all cases it was renewable. The Trust, when formed, elected one or more surveyors, who were vested with practically all the powers of a Parish Surveyor, and could call upon the parish for a share of the Statute labour to which the inhabitants were still liable for the maintenance of the highways. In the course of the eighteenth and the first half of the nineteenth centuries literally thousands of such Trusts were formed, and between twenty and thirty thousand miles of road were administered on the new principle.

The system had many serious defects. At the best it was patchwork, the conception of the highways as national arteries of communication which needed to be controlled by something more than local regulation not yet having penetrated the legislative opinion of the country. The history of most of the Turnpike Trusts is a record of mismanagement, ignorance of the principles of road construction, obstructive parochialism and unsound finance. Yet for all its drawbacks, the new method of highway administration resulted in the creation of roads vastly superior to those to be found in any other country; and without the improvements which it effected the commercial and industrial advance of England must have been seriously retarded. Lancashire probably benefited as much as any part of the country, and the early years of the nineteenth century saw the county crossed by a tolerably passable network of highways.

The first road in Rossendale to be taken over by a Turnpike Trust was the Rochdale-Burnley road through Bacup. The Act creating the Trust was passed in 1754. The trustees borrowed £500 at 5 per cent. interest on the security of the tolls, partly to pay the cost of securing the Act, and partly to be expended on the improvement of the road. A surveyor was appointed, and four of the trustees were elected to

[1] R. W. Riley in the " The Itinerant; " quoted by Halstead, *Annals of Haslingden.*

form with him a committee to survey and set out the road, to acquire land where necessary for widening it, and to make contracts for its construction and repair. The minutes of the Trust for the first thirty-six years of its existence present a lively picture of the difficulties experienced in conducting an undertaking of this description. Apart from the problems of keeping the way in repair and combating the devices adopted by the users to avoid the payment of toll, the success of the Trust was hampered by the indifference of the trustees.[1] Ten years after its formation its debt had accumulated to £1200, and no part of the interest on the original loan was paid until 1781, when over £2000 were owing.[2]

In 1789 two other important "districts" of roads in the Forest area were turnpiked. The first was the system connecting Bury with Blackburn and Whalley. It ran through Edenfield and Ewood Bridge, and along Bury Road through the old town of Haslingden to Hudrake, where one fork proceeded north to Accrington and Whalley, and another west *via* Round Hill to Blackburn. The stretch between Accrington and Bury was the last road built by John Metcalf, the blind road-maker of Knaresborough. It was one of the most difficult he had undertaken, and, when he had completed it, after two and a half years' labour, he found himself out of pocket by £40 on a contract for which he received £3500.[3] In 1827 three branches were added to this system: one between Accrington and Blackburn; another from Deardengate, Haslingden, to Bridge End, Helmshore; and a third, the present main road through Haslingden from Hudrake to Laneside.

The second "district" turnpiked in 1789 ran east and west through the Forest from Todmorden and Bacup through Stacksteads, Newchurch and Oakenheadwood to Haslingden. This was supplemented, in 1826, by a loop line passing from Stacksteads through the Thrutch, Waterfoot, and Newhallhey to Laneside, and by a branch from Newchurch through Lumb and Water to meet the Rochdale-Burnley road. In 1795 an Act was obtained for the road from Burnley along the Limy Water valley to Rawtenstall and on to Edenfield (whence another route to Rochdale had been turnpiked in the previous year), and three years later its continuation to Bury was brought under the control of the same Trust. After this no further highway was taken over until 1810, when the Elton and Blackburn Trust was formed. This took charge of the road from Bury *via* Holcombe and Holden Wood to

[1] It frequently happened that the Clerk had to postpone or adjourn his meetings three or four times in succession before he secured a quorum.

[2] The minutes of the Trust are preserved in the Rochdale Public Library. They have been used by Mr. A. P. Wadsworth in a paper entitled, "Rochdale's Main Roads," *Transactions of the Rochdale Literary and Scientific Society*, Vol. XIII (1917-19).

[3] Smiles, *Lives of the Engineers*, III, 93 (1874 edition).

Haslingden Grane and Blackburn, with a branch from Holden Hall (the site of the present Haslingden Cemetery) to Deardengate.[1]

Thus by the end of the first quarter of last century practically all the main roads of the Rossendale area had been constructed, and the growing volume of traffic which traversed them is reflected in the constantly increasing sums at which the tolls accruing from them were let. From about this time, too, an army of carriers appeared plying regularly between the towns and hamlets of the Forest and the larger centres around; while organised services of coaches for the conveyance of passengers and parcels called daily at the principal inns in Haslingden on their way from Blackburn, Clitheroe and the north, to Rochdale, Bury and Manchester on the south.

Great as was the advantage which the locality derived from thus being brought into easy communication with outside markets, its trade received a further stimulus by the opening up of a railway. The initiative in this direction was taken by a number of manufacturers and merchants of Bury, who were anxious to link that town with Manchester and the lines radiating therefrom. Their proposals received so much support that they resolved to extend the intended line to Rawtenstall, and in 1844 the "Manchester, Bury and Rossendale Company" was incorporated by Act of Parliament. Two years later the line was completed and opened for passenger traffic, and in 1848 and 1852 extensions were constructed to Newchurch and Bacup respectively. Meanwhile, in 1845, another Act was obtained by a company nominally incorporated as the "Blackburn, Burnley, Accrington and Colne Extension Railway Company" to continue the route from Stubbins to Accrington and Blackburn with a branch to Burnley and Colne. The two companies were immediately amalgamated as the East Lancashire Company, and the portions from Accrington to Blackburn, to Stubbins and to Burnley, were successfully opened in 1848. The extension to Colne was completed in the following year.[2]

6. Stone and Coal.

Probably no industry derived more benefit from the facilities afforded by this enterprise than the stone trade. The rich stores of

[1] *Lancs. and Ches. Antiq. Soc.*, Vol. X. A road was projected from Bolton to Haslingden to pass through Turton and Edgeworth, over Musden Head and through Musbury Park, and an Act was secured in 1826, but it was never put into operation.

[2] *Bradshaw's General Shareholder's Guide, Manual and Railway Directory for* 1853; Harrison and Sale's *Guide to the East Lancashire Railway*. The East Lancashire Company was amalgamated with the Lancashire and Yorkshire Railway Company in 1859. Towards the end of the eighteenth century a canal was projected to pass through Haslingden from Bury to Church, linking the Bury, Bolton and Manchester canal with the Leeds and Liverpool canal. An Act was obtained for the purpose (34 Geo. III), but the scheme was never carried out.

fine-grained sandstone which were to be found in the crescent of hills stretching from Whitworth and Brandwood through Cowpe and Scout to Musden Heights and the flanks of Haslingden Moor, as well as at numerous other outcrops, had for centuries been quarried and used in the neighbourhood. The growth of the local population just before and after 1800 had given an impetus to the quarrying industry, to which the leases enrolled in the court rolls and the names of quarry owners and stone merchants enumerated in the directories bear witness. But the cost of carriage by road, even after the development of the turnpike system, had limited the transport of stone beyond the confines of the Forest. Now the excellent Haslingden flag rock began to find its way to Manchester, Preston, Yorkshire, the Midlands, and even to London. Much, it is said, was exported to the Continent, and flags and steam engine beds were sent ready shaped to India.[1]

One other factor contributory to the prosperity of the district must here be touched upon. In many parts of the moorland outcrops of coal-seams occur, varying in thickness from a few inches to four or five feet, but, in spite of the comparative ease with which they could be worked, coal-mining was an occupation of minor importance until the introduction of steam. In the sixteenth century a couple of commissions were appointed to inquire into the value of the coal-mines in Rossendale and the surrounding country, but owing to the difficulty of transit and the abundance of turf they were judged to be of little consequence.[2] The court rolls give a little indication of mining in the seventeenth century,[3] and a lawsuit was fought in the Chancery Court of the Palatinate concerning a mine at Tunstead during the Protectorate.[4] In recent times traces of old workings have been found by miners in the course of their operations, but it remained for the adoption of power-machinery to call the industry into serious activity. The most important mines were in the south-western portion of the Forest. A survey of Brandwood made in 1820 disclosed the existence of at least seven pits in the neighbourhood of Greave.[5] After

[1] Newbigging, *op. cit.*, 228, and supplementary chapter, "On the Geology of Rossendale," by Capt. Aitkin.

[2] Dy. Lanc. Deps., I, 48, R 10, 10*a* (1548); Dy. Lanc. Spec. Comm., No. 418 (1587).

[3] *E.g.*, four persons were amerced 12d. each in 1612 for cutting a "colepit roape 40 virgat' long and breaking twoe wiskets" (= baskets) (Court Roll, No. 95); and another person was fined for trespassing "usq' ad Carbonar'" in Gambleside (Court Roll, No. 105).

[4] Records of the Palatinate of Lancaster, P.L. 6, 20/209.

[5] *Viz.*, Red Hole; Hoyle Hey; Slack Yate (2 getters), owned and worked by Richard Lord; Old Eye (4 getters), worked by Henry Maden & Co.; Greave (2 getters), worked by James and Luke Grimshaw; Higher Clough (5 getters), Lower Clough (5 getters), and Oakenclough (3 getters), worked by John Lord & Co. I am indebted to Mr. A. P. Wadsworth for the loan of his copy of this survey; and to Mr. S. H. Morgan, the Borough Surveyor of Rochdale, for permission to inspect a copy of a plan of Brandwood made at the time of the survey.

that date quite considerable undertakings were developed in the Bacup and Newchurch districts.[1] For some time good furnace coal was obtained at cheap rates, but as the workings of the outcrops receded further from the surface the expense of getting the mineral caused many of the pits to be abandoned.[2]

7. The Industrial Revolution and the Small Holder.

In the course of three centuries Rossendale had been transformed from an expanse of scantily cultivated moorland to a thriving industrial district. Its evolution presents an instructive object lesson in economic development. Unsuited by nature for arable cultivation, it first becomes the home of a sparse community of pastoral farmers. To their agrarian economy is added a domestic textile industry, which, in the course of time, disputes with farming the claim to be the mainstay of the population. Then the industrial pursuits themselves suffer change under the influence of new methods. The manufacture largely deserts wool for cotton and is gradually reconstituted on the lines of large-scale capitalist enterprise. The factory begins to take the place of the domestic workshop, and an urban population springs up, centred chiefly in four small towns. The banks of the streams are thickly strewn with mills whose sombre stone chimneys add a strange, unlovely element to the landscape. The sides of the hills are tunnelled and excavated for minerals and the valleys are threaded with roads and railways. Yet the small farms remain scattered over the hillsides, and their occupants still, in many cases, pursue a double trade. We have seen how the march of industry has affected their textile occupation. We may now, in conclusion, consider its influence upon their fortunes as farmers.

"Since the introduction of manufactures," wrote a reporter for the Board of Agriculture in reference to Lancashire in 1795,[3] "property has become more minutely divided." The writer was probably thinking more especially of the rise of the cotton industry as a result of the introduction of machinery. In Rossendale the process of subdivision had been going on centuries before the cause which he suggests was in operation. Yet it is more than probable that the development of domestic manufacture assisted the tendency towards the creation of small farms; and it is certain that the coming of machinery did not reverse it, for the predominance of small properties was more pronounced in the nineteenth century than it had been in the seventeenth.

[1] The locally well-known firm of Hargreaves, Ashworth & Co. was working pits at Newchurch in the early 'thirties and at Baxenden in the 'forties.

[2] A list of nineteen mines at work in Rossendale in 1867 is given in Baines and Fairbairn's *Lancashire and Cheshire, Past and Present*, III, 324.

[3] J. Holt, *General View of the Agriculture of Lancashire*, 13.

In speaking of the size of farms in the earlier period we had to content ourselves with an estimate derived from the rents. Fortunately, for the later period we have definite statements of acreage to guide us. Twenty years after the report from which the above remark is quoted, a second survey of the agriculture of Lancashire was made. It was then reported that more than a half of the cultivated land in the county was distributed in farms of from 8 or 10 to 100 customary acres. About Bury, Haslingden, Blackburn and Burnley, the holdings were said to be "for the most part small, as 10, 20, 30, 50 to 70 and 100 acres, only very few reaching 200 or 300 acres." [1] Similar figures were given in a third report written for the Royal Agricultural Society in 1849,[2] but we may corroborate these general statements by evidence of a more particular character. In the Appendix [3] is given a list of local farms advertised to be sold between 1779 and 1840. The data were collected at haphazard from the columns of the county newspapers. As an infallible guide to the normal holding of the locality the list leaves much to be desired. It does not pretend to be a complete catalogue of all the properties offered for sale within the years specified, hence it is possible that the farms not included would modify the conclusions to be drawn from it. Nevertheless, inasmuch as the farms tabulated are tolerably well distributed over the whole Rossendale area, and in view of the likelihood that as great a proportion of the larger estates is omitted as of the smaller, the list may perhaps be taken as roughly representative of the holdings cultivated by the farmers of Rossendale. It shows only 5 out of 58 farms, or less than one-eleventh, with upwards of 30 customary or 48 statute acres,[4] while 39 had less than 15 customary or 24 statute acres of land. These proportions are strikingly confirmed by the Brandwood survey of 1820. In that hamlet there were 72 occupiers of land. Only 7 of these held 30 customary acres or more, and 46 occupied less than 15 acres each. Thus comparing the figures available for the time of the Industrial Revolution with the rough calculation arrived at for the seventeenth century, we find that about eight-ninths of the holdings in the later period were of less than 30 customary acres as against two-thirds in the earlier, while about two-thirds of them were under 15 acres in the nineteenth century, as against two-fifths in the seventeenth.

Though, however, the farms were now generally smaller, they had

[1] R. W. Dickson, *General View of the Agriculture of Lancashire* (1815), 116; *cf.* 113.

[2] W. Rothwell, *Report of the Agriculture of Lancaster* (published 1850), 19. "The district round Clitheroe, Colne, Burnley . . . is divided into farms of from 6 to 50 acres, there being few instances of farms extending to 100 acres."

[3] Appendix Q.

[4] Calculating the customary acres at 7 yards to the pole. Where the acreage given in the table is that of two farms together, one-half is taken to be the area of each.

become more valuable, and that was a result which could without doubt be ascribed to the increase of manufactures. All contemporary observers noted the obvious effect which the growth of population round the factories had in opening an immediate market for farming produce. Agricultural land round Bury, Haslingden, Bacup, Accrington and Burnley was now let at from 30s. to £3 or £4 the customary acre, and grassland near Burnley was rented at £5 or £6.[1] According to Cooke Taylor, these rents represented ten times the value of the land a hundred years previously. Farms were held in 1842 at seven or eight times the rental formerly paid for them by the same tenants.[2] In illustration of the prosperity of the Rossendale small holder the same writer instanced a piece of land which had been pointed out to him. It had at one time been rented at £30. Owing to its distance from the market, the farmer had been unable to make it pay and had become bankrupt. Later, however, he paid £70 a year for the same plot, and cleared off his entire debt out of his profits.[3] The rising value of land caused much of the waste moorland to be brought under cultivation. Land hitherto considered unprofitable to use for any purpose other than rough pasture was drained and treated with marl and lime. Sir Robert Peel in this way improved some of the moorland attached to his estate in Oswaldtwistle, while John Hoyle, esq., achieved notable success in cultivating waste in Haslingden.[4] The impetus given to farming was felt to a greater or less extent all over the manufacturing area, but near some of the larger towns like Manchester, where arable cultivation was possible, the difficulty of obtaining labour led to a diminution of tillage in favour of pasture and meadow.[5] In our district the greater demand for meat and dairy produce gave encouragement to the only type of farming that had ever been profitable, so that the effect of the Industrial Revolution was actually to strengthen the position of the small holder.

[1] Dickson, *op. cit.*, 125-6.
[2] *Notes of a Tour in the Manufacturing Districts of Lancashire*, 55-6.
[3] *Ibid.*, 50-1.
[4] Rothwell, *op. cit.*, 22; Cooke Taylor, *op. cit.*, 50.
[5] Holt, *op. cit.*, 209-11. This writer quotes a practical farmer who believed that "trade is injurious to agriculture," and said that "corn is not so much grown, for though the farmer can get in his grain, he cannot raise hands but at an enormous price to reap it."

APPENDICES.

A.

The Forest Courts of Blackburnshire.

The judicial machinery by which the forest law in Blackburnshire was enforced is not easy, owing to lack of data, to define. Each of the constituent chases of the Forest certainly had its attachment court or woodmote, but these courts, unlike the woodmotes of other forests which were supposed to sit every six weeks, were probably held only two or three times a year, at the same times and places as the halmotes of the neighbouring vills. Thus the woodmote of Rossendale and Accrington Forests seems to have been held at Accrington, when the halmote of the Manor of Accrington was sitting, and similarly Trawden woodmote at Colne and Pendle woodmote at Clitheroe or Burnley. Though perquisites from these courts regularly appear as items in the revenue of the Master Forester throughout the fifteenth century (Dy. Lanc. Mins. Accts., Bdles. 76-8), we have unfortunately record of the proceedings in only one of them, *viz.*, the woodmote of Rossendale held at Accrington on 26 April, 1496, on the same day as the halmote and before the same presiding officer, Thomas, Earl of Derby, the Steward of the Honor (*Clith. Ct. R.*, III, pp. 5-6). The cases heard then consisted entirely of actions between inhabitants of the Forest for trespass and breach of peace. Such business, however, can hardly be representative of the woodmotes of the thirteenth and fourteenth centuries, when the lords of the Honor were more keenly interested in maintaining their forest rights, and before they had to any great extent let the forest lands to farm.

At an earlier date the attachment courts may have had the power to try small offences against the vert, such as the cutting of green saplings and the gathering of dry wood without authority, as well as breaches of agistment regulations. In the case of more serious trespasses against the vert, the offenders were probably bound over to appear at the forest eyre, a court which was presided over by justices specially appointed at irregular intervals to hear and determine forest pleas from the whole county. Poachers who were caught redhanded—"with the mainour," as it was styled—were arrested and imprisoned at Clitheroe Castle until delivered on bail to come up for trial at the forest eyre; but when a trespass against the venison had been committed by offenders whose identity was not known, the foresters had to hold a special inquisition immediately after its discovery, and attach and imprison the person or persons accused until similarly bound over to appear at the next eyre. But, probably because the eyres were held so irregularly and infrequently that many offenders escaped punishment, general inquisitions were from time to time ordered to be held before justices commissioned to inquire into all manner of charges relating to both vert and venison which might be brought by the forest officers (see *C.P.R.*, 1321-24, 160; 1343-45, 417, 592-3; 1345-48,

378, 384, 385, 394). In addition to these tribunals, which were concerned solely with forest proceedings, the halmote and the wapentake courts also seem to have mingled forest cases with their ordinary business. Thus in the year 1323-24, trespasses in the forest were punished by fine at the halmote held at Accrington and the wapentake court of Clitheroe, while amercements for felling oak trees were imposed in the courts of Clitheroe and Tottington (*Lancs. Court Rolls*, pp. 6, 15, 53, 59). Such a confusion of functions may have arisen from the practice of holding the woodmotes at the same times and places as the halmotes or the wapentake court.

B.

ENCROACHMENTS IN HASLINGDEN DISCLOSED BY THE COMMISSION OF 1616. (Dy. Lanc. Spec. Comm., No. 1008).

Name of Tenant.	Encroachment.	Area.		
		Roods.	Falls.	Yards.
Encroached to Glebe land of Whalley Church.	Side of a smithy (let) and side of other little buildings (let)	—	½	—
Edward Rawstorne, Esq.	Corner of a barn in the Strynes	—	⅛	—
	Land (let)	1	—	—
Ralph Holden, Gent.	Land	2	—	—
	Land (let)	—	10½	—
	Part of a cottage	—	—	30
	A little outhouse	—	—	16
	Land	—	7	—
	Part of dwelling house (let)	—	—	—
	A smithy or forge (let)	—	—	—
Andrew Holden.	A turf house of one bay	—	—	—
	Land	—	14	—
	Part of a cottage (let)	—	—	16
	Land (let)	—	5	—
	A little outhouse (let)	—	—	27½
John Rothwell.	Corner of a barn	—	—	—
William Hartley.[1]	A little kiln	—	—	—
	Fourth part of a little turf house	—	—	—
	Corner of a barn	—	—	—
	Land	—	4	—
Robert Rawstorne.[1]	A turf house of one bay	—	—	—
	Land	—	5	—
Henry Ramsbottom.	Land (let)	—	8	—
Andrew Holden.	Land (let)	—	6	—
Oliver Taylor.[1]	Land	—	20	—
Thomas Holden of Yate.	A little turf house	—	—	—
	Land	—	9	—
James Rishton.[1]	One bay and a half of a turf house	—	—	—
	Land	—	2½	—
John Gregory.	One bay of a dwelling house	—	—	—
	Land	—	4	—

See footnote on opposite page.

Name of Tenant.	Encroachment.	Area.		
		Roods.	Falls.	Yards.
John Lomax.[1]	The side wall of a barn	—	—	—
	Land	—	½	—
Giles Hoyle.[1]	Land (let)	—	16	—
Late wife of John Duerden.	Fourth part of a cottage	—	—	—
	Parcel of a garden	—	½	—
Robert Gregory.	A kiln	—	—	—
	Land	—	1½	—
	A small parcel of a shed (let)	—	—	—
	Land (let)	—	2	—
Heirs of John Garside.	Land	—	11	—
Ralph Rishton of Town.	An oat shed	—	—	—
	Land	—	2	—
Francis Ramsbottom.[1]	A cottage	—	—	—
	Land (let)	—	4	—
Christopher Crooke.	The side wall of a barn	—	—	—
	A workhouse of one bay	—	—	—
	A turf house of one bay	—	—	—
	Land	—	3½	—
Giles Rothwell.	Land	—	½	—
John Haworth of Constable Lee.	Parcel of a garden and a wall stide (*sic*)	—	¾	—
Lawrence Heap.	A kiln of two bays	—	—	—
	Land	—	3	—
John Ramsbottom.	Land	—	4½	—
John Hargreaves and Richard his son.	Land	—	4	—
John Hargreaves son of Henry Hargreaves.	Land	—	2½	—
Late wife of Christopher Hargreaves.[1]	A little garden	—	—	—
	Two-thirds of a turf house	—	—	—
	Land	—	6	—
Henry Heap.	Land	—	26	—
Hugh Fenton.	A turf house of one bay	—	—	—
	Land	—	5	—
Adam Ramsbottom.	Land	—	10	—
Lawrence Fenton.	Land	1	6	—
Francis Nuttall.	Land	—	8	—
Richard Duerden, younger.	Land	1	13½	—
Hugh Taylor, younger.	Part of a kiln	—	—	18
	Land	—	14	—
John Taylor.	Land	—	11½	—
Robert Hey.	Land (let)	1	20	—
Edmund Lord.[1]	Land (let)	—	1	—
Ralph Rishton of Carter Place.	Land	—	15	—
John Aspinall.	House (let)	—	—	25
	Land	—	2	—
Robert Kenyon.	Land	—	5	—
Richard Duerden, elder.	A small part of two bays of a barn (let)	—	—	—
	Land (let)	—	3	—
James Holden.[1]	Land	—	12	—

[1] These names do not appear in the rental of the customary tenants of Haslingden drawn up by the commissioners appointed to survey the township, and probably in some cases denote squatters.

C.

Copyholds of the Old Hold and the New Hold of the Manor of Accrington.

The distinction between copyholds of the old hold and those of the new hold is a point of some difficulty. It is natural to suppose that copyholds which are ancient customary land, that is, those which have been so " time out of mind of man," would be classed as old holds, and that all those which have been created within the memory of man (which, according to the legal definition, means since the first year of Richard I) would be new holds. Such a classification, however, does not obtain in the manor of Accrington ; for while none of those copyholds which are now termed new holds are of immemorial antiquity, many copyholds of recent origin are included in the old hold. For example, the approvements of 1557 (see pp. 52-3) and the later enclosures of 1619-23 from the commons of Haslingden (see pp. 155-7 and Appendix M) have been regarded as old hold tenures. Indeed, approvements of so late a date as *circa* 1779 have been held to be old hold, for in a surrender of that year certain plots of land in Deardengate, in the centre of the modern town of Haslingden, were described as " part of the waste ground lately granted " by copy by the lord and lady and copyholders of the manor of Accrington Old Hold. The distinction which has been adopted seems to have been made by the stewards for administrative convenience, and is a matter of situation rather than of date of origin. It is possibly a recognition of the fact that the manor of Accrington consisted of two parts : (*a*) the old townships of Haslingden, Accrington and Huncoat, and part of the township of Oswaldtwistle, which comprised the lands of the vills held in severalty and certain areas over which the tenants exercised rights of common ; and (*b*) the rest of the manor, the Forest lands, on which the vaccaries had been established. The former is regarded as the Manor of Accrington Old Hold, and all copyholds in it, whether of ancient enclosure or not, are considered old holds ; while the vaccarial and waste lands of the Forest are designated the Manor of Accrington New Hold, and all copyholds created therefrom are said to be new holds.

Leases Granted by Copyholders of the Manor of Accrington by Surrender and Admittance in the Halmote, 1543-67.

No.	Year.	Property.	Lessor.	Lessee.	Term.	Copyhold Rent.	Lessee's Rent.
1	1543	Third part of close called Fernealgh	Percival Grymeshey.	Geoffrey Grymeshey.	Life.	5/10	—
2	1546	Tenement in Hoddlesden, "Huntbutts"	Eliz. Entwyssill, Isabel Robert, Agnes Ratclyff.	Geo. Holden.	39 yrs.	12d.	—
3	1547	Pcl. on Ryley Hey, a lane, with com. of pasture and appurts. in Henheads and Friarhill . .	Geo. Ryley.	Chris. Herger.	30 ,,	12d.	—
3A	1549	Above pcl. sublet . . .	Chris. Herger.	[Olyver] Byrtwissill.	30 yrs. from 1547.	12d.	—
4	1550	Close called "Middil Feild" in Haslingden, 2½ ac. . . .	Hugh Fenton.	Rich. Hergreves.	21 yrs.	(10d.)	—
5	1556	House and 12½ ac., Huncoat .	Chris. Jackson.	Roger Jackson.	Life.	2/-	—
6	,,	21 ac., pcl. of lordship of Holden .	Ralph Holden.	Ralph and Isabel Barnes, and Wm. Barnes, son.	60 yrs.	3/6	—
7	,,	16 ,, ,, ,, ,, .	,, ,,	Rich. Cronckshay.	,,	2/8	—
8	,,	16 ,, ,, ,, ,, .	,, ,,	Geo. Hargreves.	,,	2/8	—
9	,,	12 ,, ,, ,, ,, .	,, ,,	Chris. Cronckshay.	,,	2/-	—
10	1557	House, 16 ac., course of spring, pcl. of lordship of Holden . .	,, ,,	Giles Whittaker, Joan Hoyle and her 2 children.	Lives.	5/4	—
11	,,	House, 8 ac., with com. of pasture, in Haslingden . . .	,, ,,	Oliver Holden and John his son.	59 yrs.	1/4	4/-
12	1558	Mess and lands, Crawshawbooth—"Launde of Cryden" . .	Hy. Barcroft.	Hy. Haworth and wife.	Lives.	8/10	20/-
13	,,	Mess. and lands, Crawshawbooth—"Launde of Cryden" . .	,, ,,	Robt. Magnolles.	Life.	8/10	20/
14	1559	Mess. and lands, Crawshawbooth, Henheads and Friarhill . .	,, ,,	Oliver Ormerode and wife.	Lives.	10/-	—
15	,,	2 messs. and lands, Crawshawbooth, called "Creden" . . .	,, ,,	Hy. Ormerode.	Life.	10/-	—
16	1560	Mess., etc., and pcl., Crawshawbooth, "Laund off Crydden" .	,, ,,	Rich. and Geo. Gregorye.	Lives.	8/10	—
17	1561	Mess., etc., in "Bacside off Crydene"	,, ,,	Miles Hole.	Life.	4/5	5/7
18	1563	Pcl. "off Westmercloigh under the Edge," Crawshawbooth . .	John Haworth.	Chris. Romsbotham.	20 yrs.	4d.	3/-
19	1562	House and pcl. in Deadwinclough	Six trustees for Ross. Chapel.	Thos. Taylor.	60 yrs.	1/4½	5/7½
20	,,	Pcl. called Hall Carre . .	Six trustees for Ross. Chapel.	Chas. Nuttowe.	,,	2/9½	7/2½
21	,,	Mess. in Deadwinclough and Wolfn. and pcl. of Henheads pasture	Six trustees for Ross. Chapel.	Wm. Whytworth.	,,	22/4 (?)	3/10 (?)
22	,,	Pcl. called "the Edge," Deadwinclough	Six trustees for Ross. Chapel.	Edw. Nuttowe.	,,	4d.	9/4
23	1563	6 ac. in Accrington, pcl. of Scatecliffe	Geof. Ryscheton.	Hy. Rylay, wife and 2 children.	31 yrs.	2/-	—
24	,,	Pcl. in Wolfenden called Foxehall	Edm. Assheworth.	Hugh Pillyng and Wm., son.	8 ,,	2d.	—
25	,,	Moiety of mess. and ¼ of 2 closes or meadows in Wolfenden . .	John Assheworth.	Jas. Saigher of Clyvycher.	20 ,,	1/6	—
26	1564	Mess. and garden in Deadwinclough	Frances Bridge.	John Heape and wife.	Lives.	1d.	2/-
27	1565	Mess. and 7 ac. in Haslingden .	Ralph Holden.	Hugh Heigh.	60 yrs.	2/4	11/- and boons and services.
28	1566	Moiety of house and lands in Smallshaw, Wolfenden . . .	John Assheworth.	John Romesden.	21 ,,	1/6	—
29	1567	House, garden, part of "fold" with turbary, Deadwinclough .	Peter Byrtwissill.	John Bridge and wife.	Lives.	1d.	9d.
30	,,	Parcel of Henheads pasture .	Rich. Hargreaves.	John Romesden.	Lives of Jas. Walton, wife, and 21 yrs. aft.	1d.	—

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D.

TABLE SHOWING THE PROGRESSIVE SUBDIVISION OF THE COPYHOLDS CREATED IN 1507.

Settlement.	Number of Parcels in—				
	1507.[1]	1527.[2]	1539.[3]	1608.[4]	1662.[5]
Antley	1	2	2	2	2
Bacup	4	6	6	16	45
Baxenden	3	5	5	8	10
Constable Lee	4	5	5	7	9
Cowhouses	2+	7	7	10	10
Cowpe	4	2	2	13	18
Crawshawbooth	3	5	4	9	17
Deadwinclough	4	7	10	15	17
Dunnockshaw (Primrosesyke)	2	1	1	2	2
Gambleside	2	2	2	3	6
Goodshaw	4	4	4	6	12
High Riley	4	6	7	7	8
Hoddlesden	1	3	2	17	25
Loveclough	2	4	4	8	19
Musbury Park	8	7	8	12	14
Newhallhey	4	4	5	6[6]	7[6]
Newlaund	1	2	2	3	4
Oakenheadwood	5	9	9	17	23
Overlenches and Hall Carr	1	3	3	5[7]	7[7]
Rawtenstall	4	4	4	10	21
Rockcliffe Wood	1	1	1	1	2
Tunstead	4	7	8	8	11
Wolfendenbooth	4	5	9	15	25
Totals	72+	101	110	200	314

Note.—The total rents for each of the settlements of Goodshaw, Oakenheadwood and Tunstead show slight increases in 1608 and 1662 over the corresponding rents of the previous years, possibly indicating that additional lands had been enclosed. On the other hand, the four settlements in Accrington, *viz.*, Antley, Baxenden, Cowhouses and High Riley, each show a decrease of rent in 1608 and 1662.

[1] *Clith. Ct. R.*, II, App. I, 373-7.
[2] *Ibid.*, III, App. I, 405-8 (Dy. Lanc. Rentals, A.D. 1527).
[3] *Ibid.*, III, App. III, 413-6 (Christopher Towneley's MS., Honor of Clitheroe, p. 294).
[4] Dy. Lanc. D. & O., No. 19.
[5] *Clith. Ct. R.*, III, App. V, 426 31 (Christopher Towneley's MS., Honor of Clitheroe, p. 145).
[6] Including Hall Carr.
[7] Excluding Hall Carr.

F.

Leases Granted by William Davenport, Knt., of His Copyhold Lands in the Manor of Accrington, 1579-91.

(Court Rolls, Nos. 61, 64, 71, 74.)

In 1579 and 1581 part of William Davenport's estate of Musden Head was let to feoffees to the use of tenants for periods of three lives in the following lots :—

	Chief Lessee.	Cop. Rent. d.	Lessee's Rent. d.	s.	d.
1579.	1. Richard Taylor	2½	2½	+ 13	9
	2. Nicholas Croke	5	5	+ 25	0
	3. Rich. Taylor, elder	5	5	+ 25	0
	4. Rich. Duckworth	2	2	+ 11	3
	5. Wm. Taylor	5	5	+ 25	0
1581.	6. Lawr. Taylor	4	4	+ 29	2
	7. Wm. Heye	4	4	+ 29	2
	8. John Romesden	4	4	+ 43	9
	9. Rich. Tailior	4	4	+ 21	10½
	10. Ralph Haworth	4	4	+ 43	9
	11. Rich. Tailior (another)	4	4	+ 3	8
	12. Wm. Taylior	4	4	+ 3	8

In 1588 the above parcels were re-surrendered to William Davenport, and three years later the whole of the Musden Head estate was re-parcelled and re-let to the occupiers for three lives, as under :—

	Occupier.	Cop. Rent. d.	Lessee's Rent. d.	s.	d.
1.	Thos. Barnes	7	7	+ 18	0
2.	Jas. Robarte	3	3	+ 7	4
3.	Rich. Taylior	8	8	+ 22	6
4.	Rich. Taylior, jun.	4	4	+ 12	0
5.	John Taylior	7	7	+ 18	0
6.	Nicholas Croke	7	7	+ 18	6
7.	Gilbert Entwisslle	3	3	+ 6	8
8.	Wm. Taylior	23	23	+ 62	0
9.	Robt. Taylior	8	8	+ 19	4
10.	Lawr. Taylior	4	4	+ 10	8
11.	John Haworth	1	1	+ 5	0

Finally, in 1607, the estate was sold for £80 in three lots to Henry Heape (£26), Lawrence Taylor (£37) and Edward Taylor (£17). (Court Roll, No. 89.)

G.

Table Showing the Dealings in Land of John Nuttall of Newhallhey in the Manor of Accrington.

Tenement.	Copyhold Rent.	When and How Acquired.	When and How Disposed of.
	s. *d.*		1546. Surrendered Near Hall Hill, Far Hall Hill and the Fold, etc., to Chris. Hergreves of High Riley (rent, 6s. 8d.).
Messuage and lands, Newhalley.	51 3	As son and heir of Christopher Nuttall.	
Parcel called Hall Carr.	16 8		——
Parcel called "Howse steides" in Haslingden. 3 roods	— 3	1553. From Thos. Gartesyd for £6 5s. 4d.	——
House, 2 gardens and 1 ac. in Haslingden.	— 6	1556. From Amerus Fenton.	——
House and 8 rodfalls in Haslingden, with common of pasture, etc.	— 1	1557. From Amerus Fenton.	——
Messuage and 9 ac. in occ. of Lawr. Hey at Carter Place.	3 0	1557. Purchased by J. N. and Francis Garside from Robert Haworth of Rockcliffe and James Whittacre.	1558. To John Magnolles.
3 ac. in occ. of Rich. Hey at Carter Place.	1 0		1558. 1½ ac. to Henry Hey. 1½ ac. to James Hey.
Parcel in Haslingden, "Toppe of the Sclate." 1½ ac.	— 6	1558. From Oliver Romysbothome.	1558 (same Halmote) 3 r. to Francis Gartside.
Parcel in Wolfenden called "le Mosse" in occ. of Jas. and John Haworth.	— 4	1558. From Henry Barcroft.	1560. Half to Jas. Haworth. Half to John Haworth.
Parcel in Oakenheadwood called "le Syngle Holme" in occ. of Chas. Haworth.	— 3	1558. From Henry Barcroft.	[1561. To 4 feoffees to uses of J. N.'s will.]
One-third of lands on each side of Crawshawbooth vaccary in occ. of L. and O. Ormerod.	—		1562. To Lawrence, his son, in fee (10s. 1d. rent).
One-sixth of lands in Calf Hey, Laund and Backside of Cribden, in occ. of Henry Haworth and others.	15 3	1561. Bought from Henry Barcroft.	1565. One-third of mess., etc., "on Backeside off the Lawnde off Cryddene" and pcl. of Henheads (1s. 1d. rent) to George, his son, in fee.
Parcel of Henheads pasture (rent, 3d.).			
3 pcls. in Wolfenden and part of lands in Henheads, etc., in occ. of Henry Whytworth and others.	3 2¾	1561. From Francis Nuttowe and 5 others.	[1561. To 4 feoffees to uses of J. N.'s will.]

Tenement.	Copyhold Rent.	When and How Acquired.	When and How Disposed of.
	s. *d.*		
Messuage, 2 barns and 10 ac. in Haslingden and parcel of Haslingden pasture (2d. rent).	3 6	——	[1561. To 4 feoffees to uses of J. N. for life and J. N.'s will.]
Parcel in Wolfenden called "parcell of Maister Yng" and another pcl. in Wolfenden.	— 3	1561. From Oliver Ormerod.	——
Parcel in Rawtenstall called "Shoreende."	— 1	1562. From Thos. Heape.	1562 (same Halmote). To Rich. Heigh.
Parcel in Wolfenden called "Turnehillynges" in occ. of Lettice Ormerod and G. Hergreves.	1 11	1564. Bought from Thos. and Jenet Law.	1564 (next Halmote). Half to John Hergreves. Half to Geo. Hergreves.
One-seventh of mess., etc., in "Le Lawnde of Cridden, Backeseid of Cridden, Calf Heie and Henherdes" in occ. of Oliver Ormerod and others.	5 0½	1564. From Oliver Ormerod	1565. To Lawrence, his son, in fee.
One-half of mess., other bldgs., and pcl. of mead and pasture in Cowpe called "Crag Head."	1 0	1569. From Francis Nuttall for 24 yrs.	1571. To George, his son, for 28 (*sic*) yrs.
One-half of mess., etc. (as above).	1 0	1569. From Francis Nuttall.	1571. To George, his son, in fee.
Parcel of Henheads pasture in occ. of J. Kenyan.	— 1	"Lately acquired from Oliver Pycopp."	1571. To J. Kenyan in fee.
Four closes in Newhallhey.	10 0	——	1570. To Elizabeth, daughter of John Ormerod, for life.
2 ac. in Haslingden in occ. of Jas. Jackson.	—	"Lately acquired from Hugh Gartside of Ewood."	1571. To George, his son, in fee.

H.

Table Showing the Dealings in Land of Francis Gartside in the Manor of Accrington.

Premises.	Copyhold Rent.	From Whom Acquired.	To Whom Surrendered.
	s. *d.*		
House and 1 r. of King's waste in Haslingden.	—	1547. Roger Ryscheton, gent., for £10.	——
Mess. called Lewezfeild and 6 ac. with appurts. in Haslingden.	2 0	1548. Rich. Ratclyff of Longley for £9.	——
Mess., 5 ac. 1¾ r. of land called Wormestall Holme.	1 9½	1549. Wm. Longley, rector of Church of Prestwich, and 4 others.	——
49 ac. in Ewode with apps. in Haslingden.	—		

Premises.	Copyhold Rent.	From Whom Acquired.	To Whom Surrendered.
	s. d.		
Mess. and pcl. called Le Maistering in Wolfenden. Pcl. in Rawtenstall called Le Hilles.	— 4	1556. John Heape.	——
Mess. and lands in Haslingden in occ. of relict of Oliver Fenton. 10 roodfalls.	— 1	1557. Roger Risshton, gent., for 4 marks.	——
10 ac. of waste.	3 4	1557. Granted by Commission.	——
7 ac. of waste.	2 4	1557. Granted by Commission.	1557 (same Halmote). Hugh Gartside and heirs.
Mess. and 9 ac. in Haslingden in occ. of Lawr. Hey.	4 0	1557. F. G. and John Nuttall of Newhallhey bt. for sum of money from Robert Haworth of Rocliff and Jas. Whittacre.	1558. John Magnolles.
3 ac. of land called Carter Place in occ. of Rich Hey.			1558. 1½ ac., Jas. Hey. 1½ ac., Hy. Hey.
½ ac. 1 r. "Toppe of the Sclate."	— 3	1558. John Nuttall of Newallhey.	1572. Francis Nuttall and heirs.
1 ac. on N. side of Le Kynges Cloigh lately improved from com. of Haslingden.	— 4	1559. Hugh Fenton.	1564. Hugh Birtwissill.
One-sixth of lands on S. side of Crawshaw Booth water by the vaccary.	15 1½	1561. Hy. Barcroft for sum of money.	1569. Hugh Hallsted, gent.
One-third part of Cryddene and pcl. of Henheads (1½d. rent).			
4½ ac. with com. of pas. and turbary in Haslingden in S. part of Frierhill.	3 0?	[Possibly the 10 acres granted by Commission in 1557. See above.]	1567. 4 feoffees to use of Edm. Nuttall of Walmsley and wife for lives.
1 mess. and 6 ac. in Haslingden called Henhouse Field.	2 1		1567. Hugh Gartside and heirs.

Apparently Francis Gartside had disposed of other premises in addition to those indicated in the last column above, for on his death in 1579 all the property remaining in his hands in the manor of Accrington was stated to be—

(1) A messuage and other buildings called Wormestallholme;
(2) 5 ac. 1½ r. in Rossendale and Haslingden, with appurtenances in Haslingden;
(3) 49 ac. 1 r. in Ewood, with appurtenances in Haslingden;
(4) Two messuages, other buildings and 4½ acres in Haslingden in the separate occupation of Richard Dureden and James Jacsone;
(5) A cottage and 1 rood of land in occupation of Thomas Cowpe with appurtenances in Haslingden (Court Roll, No. 62, 11 December, 22 Eliz.).

I.

Acquisitions of Lawrence Rawstorne, Gent., of Tottington.

Premises.	Copyhold Rent. s.	d.	From Whom Acquired.	To Whom Surrendered.
(*a*) *In the Manor of Tottington.*				
3 messuages and 30 ac. House and 4 ac. called Wynter Field.	12	0	1538. John Greenhalgh, esq., and 4 others.	——
Mess. and close called Berne Croft with 2 gardens and part of lane (2 ac.).				
¼ of mess. and 23 ac. and 8 ac. called Intacke in Aytenfield with com. in Alden.	2	7	Descended to 4 daughters, one of whom married L. R. Partitioned in 1541.	——
(*b*) *In the Manor of Accrington.*				
Roclyff Wood.	16	8	1543. Confiscated lands of Whalley Abbey.	1571. Edw., his son, in fee.
Pcl. of vaccary of Baxstonden (*alias* Calffe Hei).	7	1		1561. Edm. Pylling of Brode Holden in exchange.
Okenheid wodde Mylne.	13	4		1562. Edw. his son (with pcl. called Milne Acre).
Mess. and lands in Rawtenstall, Wolfenden and Henheads, etc.	25	2½	1557. John Hartley of Langrode.	——
Pcl. called Foxillsclacke in Wolfenden.	—	10	1561. Edm. Pylling in exchange.	? 1571. Edward, his son.
Pcl. called Blackmosse in Wolfenden.	1	0		
Another pcl. in Wolfenden.	—	4		
Another pcl. in certain part of Wolfynden Dene called the Waste.	—	1		
¼ of vaccary of Constableleigh.	12	8¾	1561. Bt. by L. R. and Edw. his son for £29 from John Yngham and son.	——
2 gardens in Wolfenden Booth.	—	5	——	1572. Rich. Rawstorne in exchange for lands in Wolfenden which went to L. R.'s son Edward.

J.

Numbers of Tenements of the New Hold and the Old Hold of the Manor of Accrington Enumerated in the Rentals of 1608 and 1617.

(Dy. Lanc. D. & O., No. 19; Dy. Lanc. Spec. Comm., No. 722; Court Rolls, Nos. 101, 102.)

	Number of Tenements Yielding a Copyhold Rent of				Total Number of Tenements.
	20s. or Over.	10s. or Over and Less than 20s.	5s. or Over and Less than 10s.	Less than 5s.	
New Hold.					
Antley	2	—	—	—	2
Bacup	5	2	8	6	21
Baxenden	1	3	1	3	8
Constable Lee	1	5	2	8	16
Cowhouses	3	3	2	2	10
Cowpe	1	5	5	2	13
Crawshawbooth	4	2	3	8	17
Deadwinclough	6	5	4	1	16
Dunnockshaw	2	—	1	2	5
Gambleside	3	—	—	1	4
Goodshaw	2	3	2	—	7
High Riley	3	2	2	—	7
Hoddlesden	—	12	3	2	17
Loveclough	2	2	5	—	9
Musbury Park	5	3	2	—	10
Newhallhey	3	1	—	2	6
Newlaund	1	2	—	—	3
Oakenheadwood	4	3	2	8	17
Overlenches	2	3	1	—	6
Rawtenstall	1	—	5	8	14
Rockcliffe Wood	—	1	—	—	1
Tunstead	2	2	6	1	11
Wolfenden Booth	1	1	9	10	21
	54	60	63	64	241
Old Hold.					
Accrington	2	3	5	2	12
Haslingden	1	3	8	45	57
Huncoat	—	2	4	6	12
Oswaldtwistle	—	—	—	5	5
	57	68	80	122	327

K.

By-Laws Concerning Haslingden Commons.

(Court Roll, No. 82, 15 May, 42 Eliz.)

Haslinden, 29th day of April in the 42nd year of the reign of the aforesaid Queen. Certayne orders and Agreamentes sete downe by the Stuard of the Courte and ag(r)eed unto by the Copiholders and Customarie Tenantes of Haslindene Concerninge the Comon pasture of the said Towne of Haslinden As folowethe,—

Firste, That Raulpe Holden, Ric. Garteside, Ric. Duredene, Raulpe Riston, Edm. Romsbothome, Roberte Hey, Henry Hargreves And John Heape, feoffees named in a certayne surrender maid by Ric. Garteside of the Ewood survyvinge feoffee Towchinge the Comon pasture and waste ground of Haslinden, shalbe thereof fyned and seased unto the use and behove of the Copiholders and Cust(omar)ie Tenantes of the said Towne and parishe of Haslindene according to the true intente and meaninge of a Comissione or graunte thereof maid by the late soveraign lord and lady Kinge Phillip and quene Marie And that the last survyvinge feoffees, two or one of theyme so survyving shall at the instance or Requeste of all the said Copiholders or the greatter parte of theyme at all tymes hereafter surrender upp the same Comon pasture to other feoffees herafter to be named, or otherwise, by the said copiholders or the greatter parte of theyme ffor the tyme beinge, Accordinge to the true intente and meaninge of the said Commission or Graunte.

Also that the yearly Rente of six shillings eighte pence due for the said Comon pastures or waste groundes afforesaid to her Ma(jes)tie shalbe yearly paid by the said copiholders and Cust(omar)ie Tenantes severallie Accordinge to the Rate of their Copihold Rente As by a Rentall thereof maide bearinge date the xxix° day of Aprill Anno Regine Eliz. &c. XLII° inrolled together with this order dothe and may appeare.

Furthermore that the said Comon of pasture or waste grounde shall not be used or pastured with any maner of Cattell whatsoever but suche and so manye in nomber as everie particular man may house bande and wynter uppon his severall portion or portions of lande within the said Towne of Haslindene. And that the pynners ffrome tyme to tyme appointed shall have in Charge to forsee that the said Comons be used as afforesaid. And if any person whosoever do surchardge the same Comons or waste groundes, That the said Pynners shall make due presentemente thereof to the Grande Jurie or Greate Inqueste at the nexte Halmote Courte then to be holdene and kepte within the manor of Acringtone. Yeat it is not mente hearbye That there shalbe any Certeyne stynte set downe but onlie for suche as shalbe presented by a Jurie in Courte for surchardginge the said Comon pasture or waste grounde.

And ffurther that suche persones as have lands boothe within the said Towne and withoute, and do occupie lande which is not comonable in the said Comon pasture of Haslindene, it is thoughte good and agreed uppon that they shalbe sessed and Rated by the homagers and Jurie of the said Manor in Courte what Cattell and nomber they shall kepe uppon the said

Comon pasture for suche there lands within the said Towne yf they be presented by Jurie in Courte as surchardgers of the said Commons And what persone soever shall Inffrynge this order and agreemente either in overchardging the Comons or in any other matter herein conteyned which is set downe and mencioned to be observed That then they shalbe presented uppon a payne of xxs. ster(ling) and neverthelese his Cattell be impounded at the discretion of the said pynders or other officers thereunto appointed.

And also it is agreed in like maner That the abovenamed feoffees nor any of theyme nor any the Copiholders within the Towneshipe of Haslindene afforesaid havinge any intereste ether in possession Revertion Remaynder or use to or in the said common pasture shall not give graunte bargayne aliene sell or sett over his or theire interest Title or Clayme ether for terme of yeares lyve or lyves or otherwise to any other persone or persones whatsoever in parte or in whole unless he sell or lease therewith all suche like quantitie and porcion of his severall Copiholde lands as is proporcionable for the same within the said Towne of Haslindene uppon payne of fforfayture of his or there estate or interest in the said Comone duringe his lyffe and also suche a fyne to her ma(jes)tie as shalbe imposed uppon him or theyme by the iurie or homagers of the said manor and he that byethe and acceptethe of the same sale or lease not to take any benefit of the said Comon pasture by his bargayne.

Provided allwaies That this order and agreemente nor any thinge therein conteyned shall not extende nor be preiudiciall or hurtfull to any man having ffreehold Landes within the said Towne of Haslindene But that they may have and enioye there commone of pasture as they have heretofore bene used and accust(omed) and as of Righte they oughte Any thing or thinges before Recyted Notwithstandinge.

Rentalle afforesaid of all the said Copiholders.

Rentis sequitur in hec verba :

	£	s.	d.			s.	d.
Robert Holden, esq.	3	13	4	his more Rent		2	1¼
Wm. Davenporthe, esq. . . .	—	6	2	,,	,,	—	2½
Raulphe Ashetone, esq. . . .	—	1	6	,,	,,	—	½
Edw. Rausthorne, esq. . . .	—	3	8	,,	,,	—	1⅝
ix acres one Rode of land in the Ewoode in feoffes state	—	3	1½	more rent		—	1⅝
Henry Romsbothome	—	6	1½	,,	,,	—	1¾
John Cowppe	—	6	11¾	,,	,,	—	2⅜
Lawr. Rausthorne	—	1	4	,,	,,	—	½
Robt. Duredene	—	16	2	,,	,,	—	5½
The heires of Dureden place benethe Churche	—	11	6	,,	,,	—	4
Chas. Gregorie	—	5	11	,,	,,	—	2⅛
Adam Romsbothome	—	9	8	,,	,,	—	3½
Andrue Holdene	—	4	10½	,,	,,	—	2
Thomas Dawsone	—	1	1				
Thurstan Romsbothome . . .	—	3	8	,,	,,	—	1¼

	£	s.	d.			s.	d.
Geo. Romsbothome	—	2	0	,,	,,	—	$\frac{5}{8}$
James Brandwoode	—	—	8	,,	,,	—	$\frac{1}{4}$
Hugh Halsted	—	2	0	,,	,,	—	$\frac{3}{4}$
Francis Nuttall	—	4	4	,,	,,	—	$1\frac{5}{8}$
Lawr. Fenton	—	2	4	,,	,,	—	$\frac{3}{4}$
Ric. Duredene	—	1	4	,,	,,	—	$\frac{3}{8}$
Myles Aspdene	—	2	0	,,	,,	—	$\frac{3}{4}$
Ric. Gregorie	—	—	8	,,	,,	—	$\frac{1}{4}$
John Rishton	—	3	0	,,	,,	—	1
Hughe Taylior thelder	—	3	0	,,	,,	—	1
Lawr. Magnoles	—	3	0	,,	,,	—	1
Robte. Haworthe	—	5	0	,,	,,	—	2
Doughters of Jas. Hey	—	1	0				
Hugh Taylior yonger	—	1	6	,,	,,	—	$\frac{1}{2}$
Rich. Taylior	—	1	6	,,	,,	—	$\frac{1}{2}$
Robt. Kenion	—	1	8	,,	,,	—	$\frac{5}{8}$
John Nuttall	—	3	2	,,	,,	—	$2\frac{7}{8}$
Alys Rothewell	—	2	$7\frac{1}{2}$				
Ric. Rothewell junior	—	1	11	,,	,,	—	$\frac{5}{8}$
Ric. Rothewell thelder	—	1	4	,,	,,	—	$1\frac{3}{8}$
John Rothewell	—	1	4				
Henry Haworthe	—	—	8				
William Rothewell	—	—	8				
Lawr. Heape	—	4	2	,,	,,	—	$1\frac{1}{2}$
John Hargreves	—	2	11	,,	,,	—	$1\frac{1}{4}$
John Romsbothome	—	1	0				
Henry Hargreves	—	4	4	,,	,,	—	$1\frac{1}{2}$
Henry Heape	—	3	8	,,	,,	—	$1\frac{1}{4}$
Christofer Hargreves	—	3	8	,,	,,	—	$1\frac{1}{4}$
John Bentley	—	1	8	,,	,,	—	$\frac{3}{8}$
Gilberte Hey	—	2	8	,,	,,	—	$\frac{7}{8}$
Robte. Lange	—	1	0	,,	,,	—	$\frac{3}{8}$
Henry Aspinall	—	—	4				
Robte. Romsbothome	—	—	3	,,	,,	—	$\frac{1}{2}$
William Barns	—	—	4				
John Garteside	—	—	4				
James Romsbothome	—	—	2				
George Ridley	—	—	2				
Raulpe Risheton	—	—	2				

L.

By-Law Concerning the Pinfold at Deadwinclough.

(Court Roll, No. 65, 10 May, 25 Eliz.)

It is agreed and presented by this Inquest That everie poste and quarter of the vacherie of Dewdencloughe shall for ever hereafter from one yeare to an other That is to say Every poste or quarter of the said vachery To

keppe one Pynder for one yeare as his terme shall come aboute to kepp the Quenes Ma(jes)tie folde or pounde within the forrest of Rossendale And the Postes and quarters to begyne as folowethe That is to say Peter Birtwisill and his fellowes of that poste to be pynder the firste yeare Alexander Haworthe and his felowes of that poste the second yeare Lawrance Nuttall the thride yeare, and Willme Jenkinson and his felows the fourthe yeare And the said Pinder for the yeare to Receave twelve pence of the Grave of Rossendalle for the tyme beinge Allowed by the quenes Ma(jes)tie for the upholdinge of the said foulld or pounde And so to continue hereafter for ever.

And it is also presented and agreed by this Inqueste that everie man that makethe trespase havinge there goodes or Cattells Impounded within the said foulde or pounde shall pay there Chappe to the said pynder *viz.* ffor everie horse so impounded ijd for every bease jd and for ever fyve sheppe jd and the same to continue for ever.

M.

Division of Haslingden Waste by the Commission of 1618.

(Court Rolls, Nos. 101-6.)

(*Note.*—This List of Enclosures does not include the previous encroachments and the surplusage over 60 acres (enclosed *temp.* P. & M.) which were discovered by the Commission of Inquiry in 1616, and to which admittances were granted at the same time as the admittances to the undermentioned allotments on division.)

Grants from the High Moor.

	Ac.	ro.	falls.
Richard Dureden, junior	16	0	27
Robert Gregorye, with consent of Peter Romesbothom	4	2	7
in rt. of his inheritance	29	1	35
Francis Nuttall	6	0	27
Ralph Holden, Gent.	24	1	37
Andrew Holden of Todehole, with consent of Peter Romesbotham	4	2	10
in rt. of inheritance	40	0	38
Edward Raustorne of Rowtonstall, Esq., with consent of Hy. Romesbothom of Whitcroft	2	0	0
Adam Romesbothom & Edw., son, in rt. of inheritance	16	3	34
Andrew Holden of Todehole, adjoining custy. tent of Todehole	21	0	21
Robert Gregorye of Haslingden	14	3	33
John Hoyle	1	0	0
Ralph Holden of Holden, gent., adjoining custy. tent of Sunnyfield	27	2	0
adjoining custy. tent of Holden	38	1	14

	Ac.	ro.	falls.
Thomas Dawson, for money paid to Henry Romesbothome	3	0	21
John Romesbothom, for money paid to Peter Romesbothom & Robert Gregorie	4	0	0
Hugh Taylier, for money paid to Robert Kenyon	—	2	27
John Ormerod, for money paid to Hen. & Rich. Romesbothom	3	0	13
John Ormerod, for money paid to Hen. Romesbothom of Whitcroft	2	0	0
John Ormerod, for money paid to Robt. Hey & Oliver Taylier of Cockam	3	0	0
Lawrence Heape, for money paid to Henry Manknowles	3	0	0
William Hartley, for money paid to Robt. Hey & Ol. Taylier	1	0	0
Lawrence Heape, for money paid to Ralph Rishton	2	0	0
Henry Hargreves of Clough, for money paid to John Hargreves	2	0	0
Henry Hargreves of Clough, for money paid to Thos. & Ol. Holden	2	1	32
Henry Hargreves of Clough, for money paid to James Rishton	4	2	9
Henry Hargreves of Clough, for money paid to Giles Hoyle	3	3	5
Edward Taylier of Musden Head, for money paid to Thos. Dawson	—	—	26½
Edward Raustorne, for money paid to Henry Romesbothom of Whytcroft	2	0	0
George Lange, for money paid to Thos. Dawson & Henry Romesbothom	1	3	33
Richard Hargreves, for money paid to Lawr. & Robt. Fenton & Robt. Raustorne	2	2	0
John Hargreves, for money paid to Thos. & Ol. Holden	3	0	0
John Haworth, for money paid to Hugh Fenton & Robt. Raustorne	—	3	5
John Romesbothom, for money paid to Hugh Fenton & Robt. Raustorne	1	2	35
George Lange of Sonnyfield, for money paid to Oliver Taylier	5	0	0
William Hartlay, for money paid to Richard Duckworth	1	3	26
George Lange, for money paid to Peter Romesbothom & Robt. Kennyon	2	0	0
George Lange, for money paid to Robt. Haworth	5 & 2 parts of 1 ac.		
Richard Dureden, senior	1	2	14
John Ormerod, for money paid to John Lomas	1 & 2 parts of 1 ac.		
John Rothwell, ,, ,, Adam Romesbothom	1	0	0

	Ac.	ro.	falls.
John Rothwell, also	2	2	0
Hugh Taylier, for money paid to John & Henry Hargreves & Ralph Rishton	1	0	26
and a certain course of water from High Moor			
James Ratcliff, for money paid to Adam Romesbothom of Has., Edm. his son, & Jas. Tattersall	9	0	0
Lawrence Heape, for money paid to Francis Nuttall	3	1	0
also	4	2	0
Oliver Ormerod,	4	2	39
William Rothwell, with consent of John Gregorye	4	2	3
,, ,, in right of inheritance	9	1	1
Robert Chadwick, with consent of Henry Crooke	3	2	0
,, ,, ,, ,, John Romesbothom	—	1	0
in rt. of inheritance	14	1	21
Henry Lange, with consent of Ra. Rishton of Carter Place	—	2	6
also	1	3	16
Lawr. Taylier, for money paid to 3 tenants	10	3	0
Giles Rothwell, with consent of Thos. Dawson	1	0	0
in right of inheritance, with half of a house called the Kill	5	3	8
John Rothwell, *alias* Hartley, with consent of Adam Rothwell	1	2	0
in rt. of inheritance, with half of a house called the Kill	4	2	38
John Romesbothom	5	3	19
Henry Hargreves	15	1	21
also	—	1	3
Edward Taylier, with consent of Ol. Taylier & Thos. Dawson	—	2	15
in right of inheritance	—	3	33½
Hugh Taylier, jun. of Carter Pl.	4	1	8
Lawrence Fenton, in a place called Deepe Clough Dole	4	2	4
Christopher Cronckshawe	8	3	11
Ralph Hey	11	2	7
John Hargreves of Broad Holden, with consent of Robt. Hey of Cockam	1	0	0
in rt. of inheritance	14	3	34
Issabell, wife of Robt. Haworth	10	3	0
John Gregorie, with consent of Thos. Dawson	—	—	30
also	1	3	23
Oliver Holden, senior,	10	1	12
Roger Holden, with consent of Jas. Holden	2	0	19
Thomas Dawson, in Stoniard Lawe & Depe Clough	9	3	33
John Haworth	2	2	17

	Ac.	ro.	falls.
Henry Heape, with consent of Oliver Holden	10	1	27
in rt. of inheritance	41	2	20½
John Taylier	4	1	4
Oliver Taylier, with consent of Rich. Duckworth	3	2	6
in rt. of inheritance	12	3	29
Richard Dureden, junior, in rt. of inheritance	29	3	18
John Hargreves	3	2	32
also	—	—	16
George Lange, with consent of 4 tenants (?)	6	1	12
Giles Hoile, ,, ,, John Lommas	9	3	7
James Rishton	8	2	22
Ralph Ashton, esq., with consent of Thos. Dawson	1	0	17
in rt. of inheritance	4	1	16
Robert Hey of Cockam, in rt. of inheritance	21	0	2
Jas. Holden	6	1	0
Maria, wife of Thos. Lomas	3	3	20
Robert Gregory	3	3	20
Ralph Rishton	—	—	24
Agnes Garsyde	—	3	4
,, ,,	—	1	27
John Holden, in Swynard lawe	—	2	34
Richard Hargreve of Broad Holden	3	0	0
with consent of Wm. Rothwell	1	0	0
also	6	0	6
Henry Mancknowles	5	2	6
John Cowpe	24	3	24
John Aspinall	—	2	18
Ralph Rishton of Carter Place	5	0	0
Christopher Bentley	5	3	0
Robt. Haworth	—	—	39
Andrew Holden of Todehole	5	0	0
John Ormerod, with consent of Hen. & Rich. Romsbothom	3	2	0
Henry Haworth	2	0	0
Issabelle Lord, wife of Edm. Lord, *alias* Bolton	1	0	0
Jas. Hartley	2 & 2 parts of 1 ac.		
in le graine dole on Highmore	4	3	28
Lawrence Heape	8	1	24

Grants from the Flax Moss.

Jas. Rishton	1	1	34
John Gregorye	1	0	10
Oliver, son of Thos. Holden of Haslingden	1	2	21
Oliver Holden, for money paid to Rich. Dureden & John Hargreaves	1	3	14
Adam Romesbothom, with consent of Giles Rothwell & Thos. Dawson	—	3	24
Andrew Holden & Robert Gregorye, for money paid to Ralph Holden of Holden	20	1	11

	Ac.	ro.	falls.
Giles Hoyle, for money paid to Ralph & Andrew Holden & Christopher Cronshay	—	3	29
also	2	0	0
Henry & Richard Romesbothom, for money paid to Peter Romesbothom	1	2	6
also	—	3	28
Henry Romesbothom of Whytcroft,	1	1	16
Robert Raustorne, for money paid to Lawrence Heape	1	0	14
also	—	1	24
Henry Crooke, for money paid to Robert Chadwick & Henry Romesbothom	1	3	0
also	—	1	24
Lawrence Fenton, for money paid to 4 tenants	1	3	24
also	—	2	22
John Gregorye, ways reserved for Hugh Hey	1	1	17
James Rishton, also course of water from Helmcroft-nooke	1	1	19
John Lomas, for money paid to Robt. Haworth & Robt. Kennyon	2	0	32
also	—	2	0
Hugh Fenton, for money paid to Francis Nuttall, Lawrence Heape & John Gregorye	1	1	6
also	—	1	24
Agnes Hargreves, for money paid to Henry Hargreves, son of Agnes	1	3	19
Francis Romesbothom, for money paid to Henry Romesbothom	—	—	4
John Hargreves, for money paid to Oliver Ormerod	—	2	0
also	1	1	19
Richard Duckworth, for money paid to William Hartley	—	3	8
also	—	2	12
Andrew Holden, for money paid to Peter Romesbothom, Hy. Croke & Chris. Cronkshay	—	3	37
Robert Gregorye, for money paid to Peter Romesbothom & Christopher Cronkshay	—	3	0
Adam Romesbothom, for money paid to 8 persons	1	1	20
	2	3	28
John Romesbothom	—	—	4
Lawrence Fenton, with consent of Lawrence Taylier	—	3	0
Ralph Hey, ,, ,, Richard Dureden, jun.	1	0	0
in rt. of inheritance	1	0	26
Oliver Holden, junior, with consent of Henry Heape	4	1	33
in rt. of inheritance	2	3	27
Oliver Taylier, with consent of Rich. Dureden, jun., Henry Mancknowles & Jas. Holden	3	3	8
also	1	3	2

	Ac.	ro.	falls.
Robert Hey of Cockam, with consent of 4 persons	3	3	8
John Cowpe	3	2	0½
Grants from the Slate.			
William Aspinall, with consent of Robert Barnes	—	—	6½
Henry Aspinall	—	—	35
Edward Raustorne, for money paid to Robt. Hey and Oliver Taylier	2	0	24
James Romesbothome, for money paid to Adam Romesbothom	—	—	13
Robert Dureden, for money paid to Robt. Chadwick, Thos. Dawson, Rich. Dureden	—	—	7½
Rich. Dureden, sen., for money paid to Adam Romesbothom	—	1	28
Issabella, wife of Edmund Lord	—	1	37
Ralph Holden, gent.	11	3	30
Edward Raustorne, esq.	1	0	39
Francis Nuttall, for money paid to 7 persons	2	2	40½
	—	2	21
Andrew Holden	10	0	27
Hugh Taylier	3	1	39
Edmund Romesbothom, for money paid to John Rothwell	1	1	26
Robert Gregorye	7	1	7
Robert Dureden, with consent of Robt. Haworth, Issabell his wife, John Lommas, Hy. Cowpe	1	3	0
William Aspinall, for money paid to Francis Romesbothom	—	—	2½
Thomas Dawson, with consent of Ra. Ashton, esq., and John Cowpe	1	2	7
also	1	2	14
Oliver Holden, with consent of Henry Heape	2	2	23
in right of his inheritance	1	3	23
Richard Dureden, junior, with consent of 4 tenants	4	0	0
Richard Dureden, junior, with consent of Robt. Hey & Ol. Taylier	—	3	16
in rt. of inheritance	2	3	3
Ralph Rishton of Haslingden	—	—	20
George Lange, with consent of 4 tenants	—	2	0
Agnes Garsyde	—	—	11
with consent of Hy. Cowpe	—	—	20
Henry Mancknowles	1	1	29
Edward Raustorne, sen., esq.	—	—	25
Ralph Rishton of Carter Place	1	3	15
Robert Haworth	—	—	11
Grants from Wastes not Distinguished.			
Jenet, wife of Jas. Tattersall, " Slate & Highmore "	—	3	0
Henry Cowpe, " Flaxmoss and Highmore "	2	3	20

N.

Division of Huncoat Waste by the Commission of 1618.

(Court Roll, No. 102.)

	Ac.	ro.	falls.
Charles Ryley } awarded in settlement of dispute }	17	0	0
John Ormerod } between them & tens. of Huncoat }	7	0	0
Edmond Ashton, rateable proportion . . .	32	1	21
with consent of all freehrs & coprs of Huncoat	2	1	34
Nathaniell Bannester, esq.	6	2	0
Thomas Birtwisle, rateable proportion . . .	46	1	10
with consent of all freehrs & coprs . .	3	2	6
John Jackson, rateable proportion . . .	20	2	12
Rychard Birtwisle, ,, ,, . . .	8	2	25
Thomas Collynson, ,, ,, . . .	5	3	29
Christopher Hargreves, ,, ,, . . .	5	0	38
Gyles Whitaker, ,, ,, . . .	6	2	0
Richard Aytaugh, ,, ,, . . .	4	3	4
Thomas Grymshaw, ,, ,, . . .	6	1	22
Henrie Cowpe, ,, ,, . . .	5	0	38
Lawrence Ratcliffe, ,, ,, . . .	1	2	7

O.

Extracts from the Court Rolls Illustrating the Partition of Henheads Pasture.

I. *Assignments by Virtue of the Commission of* 1619.

(Court Rolls, Nos. 104, 105, 106.)

(1) "We whose names are hereunder subscribed have repayred . . . sundrie tymes to the said pasture and then and there have called before us all the Copyholders of the said pasture And callinge before us some part of the Copyholders of Accrington the 26th day of August 1620 being copyholders therein have apportioned and devyded to the Copyholders of Baxenden parcell of Accrington interested in the said pasture there ratable partes of the same accordinge to theire severall rentes of the said pasture. That is to say, To John Cunliffe his ratable part and portion of the said pasture according to his particular rent of 12¼d. the year for the same as it is now staked and sett out by metes and boundes with his ratable part of mose turffe roome set out by metes and boundes for such said part of Accrington and allsoe his parte of stone delves set out att Washpittes and to bee sett out att Croswell to bee and remaine in Common to all the said Copyholders of Rossendall and Accrington interested in the said pasture together with parte of all wayes lyinge and beinge in such said parte of Accrington where he alloweth out of his part anie land therin.

"Nich. Townley, Lawr. Sweetlove,
"Abraham Calthurst, William Rishton,
"Robt. Ingham, Andr. Holden,
Richard Halsted."

(2) Five commissioners, *viz.*, Ralph Holden, William Rishton, Andrew Holden, Henry Cowpe and Lawrence Sweetlove, allotted to Christopher Hargreves of the Highryley " halffe an acre and thirtie one fall of moss land for turbary lying and next adioininge to a dole of land alreadie allotted to the Copyholders in Cowhouses and which hath beene the auncient turffroome of the said Croffer as it is set out by metes and boundes And the rest and residue of his part of the said pasture next adioininge to the severall landes of the said Croffer in Highryley as it is set out by metes and boundes with his part of the stone delves in Warmden and att the Crosswell and of the yerely rent to his ma(jes)ty 9d. yeaven under our handes the third day of Julie " (19 Jas. I).

(3) Allotment to Edward Rawstorne of Rawtenstall, Esq., and Edward his son of " twenty one acres of land of the said pasture of Henheades for and in consideracion of soe much of his part of the same pasture as is by us apportioned and laid forth for his annual rent to the King's Ma(jes)ty of 6¾d. (his part or porcion of all or anie of the stone pites in or upon the same common pasture aforesaid alwaies excepted) Which said twenty and one acres of land soe apportioned and devyded doth abut and joyne upon the north syde of some parte of the townshipp of Haslingden now in thoccupacion of Gilbert Haidock and the wyfe of Thomas Dureden And soe alonge the said townshipp unto Rysenbridge Calsey and soe from thence following the lower syde of the highway leading betweene Haslingden and Accrington at or nere the stonepites and soe leadinge unto a parcell of land of the same pasture apporcioned and devyded unto Sir Ralph Ashton barronet as the same is already meared apporcioned and set forth Witness our handes this last of May, 1622 " (seven signatures).

(4) Allotment to John Cunliffe of " all his part and porcion of the same [pasture] lying in Rysenbridgslack as the same is sett out by metes and boundes of the yerely rent to the king's Ma(jes)ty one halffe peny with his parte of stonedelfes left out in Common lying in Warmden and Crosswell " (7 October, 1622).

(5) Allotment to Henry Lawe of Tunstid of " such a ratable part and porcion of the said pasture as belongeth to the said Henry for the yerely rent of ijd. as the same is now mered forth together with a ratable part of the stonedelves therto belonginge Provyded allwayes that if in the end of the said division the said pasture doe not extend to give the last man his ratable part therof Then the said Henry is contented to abate towardes the want if there bee anie a ratable parte according to his rent " (20 November, 1622).

(6) " We [five Commissioners] assigne and allott unto John Hey one porcion of land of the said pasture to lye from one porcion of land formerlie assigned to James Haworth northward betwixt the land allotted to Henrie Cowpe and the Highe waie leading from the Rysing bridge to the end of the blackgrenedge according to the rent of one peny halfpeny and the third part of a peny being his particular rent therin as it is now meared and set out " (10 September, 1623).

II. *Assignments by Virtue of the Commission of* 1630.

(Court Roll, No. 114.)

(1) " By vertue of a Comission forth of his Ma(jes)ties most ho(nora)ble Court of the Duchie of Lancaster to us and others directed for the apporconing and devydeing of a certaine pasture called Henheades within the mannor of Acrington in the said countye Wee whose names are hereunder subscrybed Comiss(ion)e(r)s nominated appointed have allotted assigned and set forth unto Richard Birtwistle of Goodshay soe much of the said pasture as appertaineth and beelongeth to vdob. rent due unto the kinges ma(jes)ty his heires and successors for the same and as the same is now meared and bounded discending westward from his old inclosed land downe to the foote of a hill called Winberiehill ioineing upon the north syde to that part of the pasture allotted to John Haworth and upon the south syde adioininge to that part allotted to Oliver Ormerod of Crawshawbooth by the rentes and services therefore due and of right accustomed, with one way after the ould more hedge northward to the highway Geaven under our handes the seventeenth day of Maie Anno Regis Caroli Angl. &c. vij° 1631.

" Olliver Ormerod, Henrie Cowpe,
" Andrew Houlden iunior, Robert Hey."

(2) " Wee whose names are subscrybed . . . doe hereby assigne and apportion unto John Haworth of Crawshaybooth elder and his heires One porcon of land lying on the said comon as the same is meared and set forth of the yerely rent unto his ma(jes)ty of 1d. and adioininge to the north syde of one porcion of land lying on the said common laid out for James Haworth of Crawshaw Booth, and the north syde thereof adioineth to another porcion there layde out for the said John Haworth son of the said John. Geoven under our hands the xxth day of Maie Anno Regis Caroli Angl. &c. vij° 1631.

" John Nuttall, Olliver Ormerod, Henrie Cowpe,
" Andrew Houlden iunior, Robert Hey."

P.

Decrees for the Confirmation of Copyholds and Commissions for the Division of Waste Lands in the Honor of Clitheroe, Enrolled in the Court Rolls Preserved at Clitheroe Castle.

Manor of Accrington.

Decree confirming the Copyholds in Accrington, Oswaldtwistle and Haslingden, 10 February, 1618. Composition fine, £943 17s. 6d. (Roll 101).

Rental of the Copyholders in Accrington, Oswaldtwistle and Haslingden (Roll 101).

Commission for Dividing the Wastes in Haslingden, 19 May, 1618, and allotments made (Rolls 101-6).

Decree confirming the Copyholds in Huncoat, 16 May, 1618. Composition Fine, £170 18s. 4d (Roll 102).

Rental of Huncoat (Roll 102).

Commission to Divide the Wastes in Huncoat (Roll 102).

Decree for the Division of Henheads Pasture, 16 November, 1619, and allotments made (Rolls 104-6).

Second Commission for the Division of Henheads, 1630, and allotments made (Rolls 113, 114).

Manor of Colne.

Decree confirming the Copyholds in Colne, 20 May, 1618. Composition Fine, £1050 9s. 2d. (Roll 102).

Commission for Dividing the Wastes in Colne (Roll 102).

List of Tenants and areas allotted (Roll 102).

Division of the Ancient Lands and Commons in Marsden and Colne (Roll 104).

Manor of Ightenhill.

Decree confirming Copyholds in Ightenhill, 25 June, 1618. Composition Fine, £2141 10s. 10d. (Roll 102).

Rental of Ightenhill (Roll 102).

Division of the Commons of Ightenhill and Briercliffe (Roll 103).

Decree (31 May, 1627) and Commission for Dividing the Wastes of Little Marsden, and allotments made (Roll 111).

Division of Wastes in Burnley (Rolls 112, 113).

Manors of Chatburn, Worston and Pendleton.

Decree confirming the Copyholds in Chatburn, Worston and Pendleton, 10 May, 1619. Composition Fine, £1179 8s. 4d. (Roll 103).

Commission for Dividing the Wastes of Chatburn, Worston and Pendleton (Roll 103).

Division of Pendleton Green (Roll 108).

Decree (10 May, 1628) and Commission for Dividing the Wastes of Pendleton, and allotments made (Roll 111).

Decree (8 July, 1628) and Commission for Dividing the Wastes and Commons of Worston, Chatburn, etc., and allotments made (Roll 112).

Decree (15 May, 1630) and Commission for Dividing the Wastes in Pendleton, and allotments made (Roll 113).

Manor of Tottington.

Decree confirming the Copyholds in Tottington, 16 May, 1618. Composition Fine, £1420 13s. 4d. (Roll 103).

Rental of Tottington (Roll 103).

Commission for Dividing the Wastes of Tottington, and allotments made (Rolls 105, 106, 107).

Decree and Commission for Dividing the Wastes in Tottington, and allotments made (Rolls 110-3).

Q.

A List of Farms in the Rossendale Area Offered for Sale, 1779-1840.

	Description of Property.	Area in Statute Acres.[1]
1.	New Laith, messuage and tenement, Dunnockshaw	96
2.	Whin Hill, ,, ,, ,, ,,	40
3.	Two copyhold estates called Haydocks, Haslingden	58·8
4.	Pennyhouse, house, barn and land, near Henfield	8
5.	Slack's Tenement, Musbury	14
6.	Freehold Tenement at Bridge End, Musbury	9·2
7.	Two messuages, barns, land, at Bridge End, Musbury	19·2
8.	Messuage, barn and land at Bridge End, Musbury	16
9.	Whitecroft, messuage and land, Haslingden	13·6
10.	Two houses, two barns, warehouses, outbuildings and land, called Dearden Yate	24
11.	Messuage and farm, Cowpe	48
12.	Messuage and tenement at Crag in Cowpe	17·6
13.	Messuage and tenement, Cowpe	31·6
14.	Leasehold farm at Boothfold	22·4
15.	Boarsgreave, house, outbuildings, land, at Brandwood	25·6
16.	Messuage, barn and 4 closes, Ravenshore	8
17.	Messuage, barn, stable, fulling mill, closes, Ravenshore	19·2
18.	Messuage and closes, Ravenshore	18
19.	Messuage and closes, Ravenshore	17·6
20.	Pike Law, house, barn and land, Haslingden	20·8
21.	Height End, house, offices, brewhouse and 9 closes of land, Oakenheadwood	16
22.	Sunnyfield, farmhouse, barn and land, Wolfenden	38·4
23.	Farm, containing three cottages and land, Crawshawbooth	29·4
24.	Farm, barn and land, Crawshawbooth	12·6
25.	Farm, barn and land, Crawshawbooth	25·2
26.	Mucket Earth, farm and land, Deadwinclough	48·8
27.	Old Meadows, two farmhouses, barns, etc., 16 closes, Bacup	110·4
28.	Folly, farm and land, near Crawshawbooth	8
29.	Messuage, barn and land, near Crawshawbooth	12·8
30.	Wood, farm, near Crawshawbooth	11·2
31.	Height End, farm, outbuildings, closes, near Haslingden	15·6
32.	New Hall Hey, farm, outbuildings, closes, near Haslingden	18
33.	Old Hall Hill, farm, outbuildings, closes, near Haslingden	20·8
34.	Bill Coat Farm, outbuildings, closes, near Haslingden	22·8
35.	Great Height, farm, outbuildings, closes, near Haslingden	44·8
36.	Holt Clough, farmhouse, 3 cottages, Haslingden Grane	12·8
37.	Lower Dools, farmhouse, barn, etc., loomshop, and cottage adjoining, Haslingden Grane	11·2
38.	Slate Pits, farmhouse, etc., loomshop, dwelling house attached	8·8
39.	Messuage, part of Hartley House, loomshop, cottage adjoining	9·6

[1] See footnote on next page.

	Description of Property.	Area in Statute Acres.[1]
40.	Lower Ormrods, farmhouse with loomshop, two cottages with loomshops adjoining, Haslingden Grane	12
41.	Higher Ormrods, farmhouse with loomshop, cottage with loomshop	11·6
42.	Farmhouse, 3 cottages adjoining with loomshops, Grane	15·6
43.	Farmhouse, 4 cottages with loomshops, Grane	10·4
44.	Messuage, farm and tenement, 8 parcels of land, Cowpe	23·3
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[1] Where the particular measure adopted is not stated in the advertisements from which these data are extracted, the Lancashire acre of 7 yards to the pole is assumed, and the acreage multiplied by 1·6 to convert it to statute measure.

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